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A VINDICATION OF THE TREATISE OF Monarchy,

CONTAINING

An ANSWER to Dr. *Ferne*

ALSO,

A more full discovery of Three main Points;

1. *The Ordinance of God in Supremacie.*
2. *The Nature and Kinds of Limitation.*
3. *The Causes and Means of Limitation in Governments.*

[By Philip Hunton]

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A VINDICATION OF THE Treatiſe of Monarchie.

The Preface.

PEruſing with a ſad heart and conſcience, deſirous of Information the Papers made publike by the Defenders of both ſides in this wofull diviſion; I found divers of them running out into irreconcileable extreames: among which this *Reſolver*, the Authour of the fuller Anſwer, and the Divines pleading for Defenſive Armes were the chief. In which I conceived there were paſſages contrary to all true policie, and the particular Frame of this State. Hereon a deſire of allaying mens ſpirits, and reducing them to a moderate compliance in one Truth induced me to a compoſing of that Treatiſe, In which how farre I have attained my ayme, I leave it to the world to judge.

But it fals out with me, as it did with *Moſes* endeavouring to ſet at one his contentious Brethren, I have hard words and cenſures laid on me for my labour. This Doctour tels me, I have ſowne ſeeds of ſedition, opened a way to Rebellion, and termes me an engaged man. But to whom I am engaged, I leſſe to Truth, I know not: Engaged indeed I am to defend the Kings Supremacie againſt one part by my *Oath of Allegiance*; and engaged to defend the Priviledges of Parliament, and lawfull Liberties of the Subject, againſt the other part, by my *Proteſtation*: beyond theſe I know none, and perhaps if this *cenſurer* knew my condition, he would acknowledge as much. No, thoſe men are rather engaged, whom, ayming at *Miters* and a *dominion* over their *fellow-Presbyters*, it much concernes to prove the Power of Kings *unlimited*, that ſo they may be able to ſatisfie their *unlimited* deſires, and uphold them in a *boundleſſe* juriſdiction over the conſciences of men; but for this Doctor, I know him not, I judge him not.

Then, for Sedition and Rebellion, The ſearcher of all hearts knowes how farre they were from being the ſcope of that diſcourſe, rather it was an utmoſt aſſay of appeaſment, by ſhewing the way to a diſcreet moderation. Theſe Maſters of controverſie take a right courſe to ſubvert the Kingdom by diſputing men into a degree of Oppoſition beyond all Attonement, for as I am perſwaded the high ſpirit of Kings will rather incurre the worſt hazzard then ſubmit to ſuch termes, as to be *Univerſis minores*, that is, ſubject to their Subjects, common ſervants and Officers of their Kingdomes, tyed up to an abſolute neceſſity of aſſenting to the Determinations and Votes of the States: So I am as confident, that theſe two Britiſh Nations, yea very many now being in his Majeſties Armies, will ſpend their laſt bloud rather then come downe to this Doctors termes, ſc. *a meere paſſive non reſiſtence* of ſubverſive inſtruments of Arbitrarie commands, a ſimple morall liberty, which the baſeſt

ſlaves

ſlaves in the Turks gallies enjoy, becauſe it cannot be taken from them.

For my part, I doe not reckon my life and liberty worth ſo much pleading for; but the libertie of my Country is deare to me: The eſtabliſhed Government is deare to me, becauſe in it is bound up Religion, the publicke Good, yea the very Title of the King to this Crowne. Theſe I plead for againſt a man, who by his unconſcionable reſolves of Conſcience, hath done what by a pen can be done, to diſſolve them: who in three whole books hath undertaken the Patronage of Subverters of Religion, Laws and Government: and thinks it worth his pains if he can procure them an irreſiſtibilitie.

I thought I had weighed out Truth to both ſorts with ſo even a ballance in that Treatiſe, that none had any cauſe to complaine. But, I ſee, this man muſt have all goe his owne way: He hath a high deſigne, no leſſe then a full conqueſt of all *States*; To bind the Conſciences and hands of Nations, and deliver them up to the Executioner to inflict on them the capitall doom of ſubverſion, if at any time the ſupreme Magiſtrate pleaſe to give the word. To this purpoſe having made ſome animadverſions on ſcattered paſſages of my Book. He is pleaſed to publiſh them under the ſtile of a *Reply*; I may well call it a *negative Reply*. He denies what I have aſſerted; and layes downe his owne contradictorie Notions, and that is all; no Scripture nor Reaſon, but what is fully anſwered in my former: It is ſo hollow a diſcourſe, that an ordinary eye may ſee through it, without the light of any further Anſwer; yet becauſe he gives me occaſion of fuller illuſtration, and juſtifying my ſuppoſals; and diſcovering the vanity of his, I have made him this *Return*, in which I have to my knowledge, left unanſwered no paſſage of moment which concernes me, in his Reply; other parts of it have I left untouched for them to whom they belong.

And now with proſtrate humility I beſeech that *ſacred Authoritie*, which here againe, is made the matter of this diſpute, not to impute iniquity unto me preſuming, for Truth and Conſcience ſake, to make inquiries into it. The Sun-beames ſtrike not dead the poor Mathematician, who ſtanding on this mole-hill, aſſaies by his inſtruments to take the dimenſions of that glorious bodie. Yea the great God of Power permits men without the guilt of ſin, to ſearch into his Perfections, and to ſet, not poſitive, yet negative bounds to Omnipotence it ſelfe. Let not then his Vicegerent be incenſed to diſdain, if we ſearch into the limits of his Power. I envie not it's extent, let it be as large as Truth and Law can ſtretch it: And my dutie binds me to beleeve that he would not have it larger. Princes require a reaſonable ſubjection, and that is beſt performed where the nature and meaſure of Power is beſt knowne: which to find out is all the drift of my former and this Treatiſe, unto which now we will paſſe over.

THE

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A VINDICATION OF THE Treatiſe of Monarchie.

OR, An Anſwer to Dr *FERNES* Reply.

CHAP. I.

An Anſwer to the firſt Section of his Reply.

THE firſt Section containes his *Preface*, where *p.2.* He taxes me, *that I looke not with a ſingle eye on what he hath written, miſconſtruing it many times:* but whether I have ſo done or no, it will be manifeſt in the ſequell. Then more then once, he cenſures me for being *engaged.* What engagements I have, appeares before in my *Preface*: But, *I ſet up my reſt upon a groundleſſe fancie of ſuch a mixture and conſtitution of this Monarchy, &c.* Whoſe ſuppoſals are groundleſſe fancies, his or mine, I doubt not will fully appeare in this enſuing diſcourſe. Neither had I any other purpoſe to which I have fitted that Sect. 1.

Treatiſe then the ſimple finding out of truth, God knowes how ever the Doctor pleaſeth to cenſure the purpoſes of my heart, Viewing this Reſolvers diſcourſe, for the ſatisfaction of my conſcience, I found it confuſed, and not approaching the Caſe which now troubles the world: Men enquire about the Lawfulneſſe of Reſiſtance of *Inſtruments:* He anſwers concerning Reſiſtance of the *King:* Men demand, Whether Reſiſtance of ſubverſive Inſtrumenrs be the Reſiſtance of Gods Ordidinance forbidden, *Rom.* 13. He ſuppoſeth that which is the Queſtion; and makes that the ground of his Reſolve which is the ſole thing at which the conſcience ſcruples. This put me on a Diſcourſe of Monarchy, that ſo by a diſtinct conſidering of the grounds of true Policie, I might both ſatisfie my ſelfe and others: and not ſuffer mens conſciences, ſeriouſly deſiring ſound information to be either puzled or miſled by ſo confuſe and indirect a Reſolution. Yet ſomething there is which he likes in me, that is, as much as ſerves his own turne. *I doe with much ingenuity diſclaime, and with no leſſe reaſon confute ſeverall Aſſertions of other Writers, &c.* in *p.* 2. Would he could as well have ſeen my confutation of his, as of other errours: What I have ſaid againſt him, as it proceeds from the ſame impartiall ſpirit, ſo it containes the ſame truth; as, I doubt not, the judicious Reader will diſcerne. But yet *I hold the ground on which their Abſurd aſſertions are raiſed,* ſc. *that the Mixture is in the Supremacie of Power, only I give the King,* apicem poteſtatis, *the top or excellency of Power, that is, the King is the crown or top of the head, &c.* Thus is he pleaſed to jeere me, but how juſtly, it will hereafter appeare. And wheras I place the Authority of determining the laſt controverſies in a mixt Government, not in the two Houſes, this he commends in me: but that I doe not aſcribe it to the King; This he exclaimes againſt, *as a ready way to confuſion,* but why, and how it is ſo, he tells us not; only promiſeth to ſpeake of it *more below,* but where that *below* is, I cannot find.

Satis. After he hath thus touched upon thoſe things which he is pleaſed to tax in my Treatiſe. He proceeds, *p.* 4. to ſhew us what his intent was of firſt undertaking and now proceeding in this Argument. Well: let us heare what it was. *The intent of his firſt Treatiſe was to reſolve the Conſciences of miſled people, touching the unlawfulneſſe of Armes now taken up againſt the King.* He erres in his propoſing of the very Caſe. I believe he knowes no conſcience miſled touching this matter: The Caſe which he ſhould have reſolved, if he had done any thing, was touching

touching the unlawfulneſſe of Armes now taken up againſt ſubverting inſtruments of the Government of the Kingdome; and that the reſiſting of theſe is a Reſiſting of the King; No wonder if he who ſhootes at a wrong marke looſeth all his arrowes. This wrong propoſing and proſecuting of ſo weighty a caſe (which I doubt was purpoſely done) ſet me firſt on work in this buſineſſe. Heare then the caſe more ſimply propoſed: and I refer me to the conſciences of men, whether I come not neerer the truth of it, then this proponent hath done. The Houſes declare Religion and eſtabliſhed Government to be in apparent danger, by meanes of ſome ſubverſive Counſellours and Inſtruments about the King. This being ſuppoſed, they proceed according to *Vote* to the *Ordinance* and execution of the *Militia*, ſo to reſiſt and apprehend thoſe Counſellours and Inſtruments from whom they had declared the danger to ſpring. This put on the Doctor to his firſt booke, to *reſolve* the conſciences of men, that it was unlawfull: Now ſee what courſe he tels us he took to reſolve men in this caſe. He undertakes to make good two Aſſertions. 1. *Were the King ſo ſeduced, it were not ſafe to beare part in the reſiſtance of Armes now uſed againſt him.* 2. *That the caſe is not ſo, as they ſuppoſe, but rather apparently contrary.* In the proofe of theſe two, he ſpends his whole book. Concerning the latter I intend no controverſie with the Doctor: Would he could make it cleare to the ſatisfaction of the conſciences of all men; that were the way indeed not only to ſatisfie mens conſciences, but to calme the Kingdome into a bleſſed peace. But the Doctor is but ſlight in that part; and ſayes nothing, but what, as appeares in the Debate in the end of my Treatiſe, may ſoone be anſwered out of the Declarations of the Houſes, and the freſh memory of paſt occurrents: And in this reply he hath not ſo much as touched upon that Chapt. of my book: But that which in his firſt Tract he mainely, and in this Reply he ſolely labours to make good is the firſt *Aſſertion*, which is a univerſall one, and worthy to be examined in all Ages and Governments, whatſoever becomes of this preſent contention in this Kingdome. Now concerning that *Theſis*, in my Treatiſe of Monarchy I have affirmed and confirmed two things. 1. That if he could make it good, yet it were nothing to the buſineſſe he hath undertook; which is to ſatisfie the conſcience concerning the Unlawfulneſſe of Reſiſting Inſtruments, not the King, of which hee hath ſpoken very little or nothing at all. 2. That if he could prove that in ſome Kingdomes where the will of the King is the

peoples Law, Resistance of Instruments were unlawfull, if actuated by the Soveraignes will: Yet in Legall and Limited Governments, it doth not follow to be true: yet this he must make good, if in our present case he satisfie mens consciences as he undertakes. These two are the summe of my Answer to the Doctor in that Treatise, and if in this Reply he doth any thing, he must speake to these points. Something he hath here spoken concerning the *Ordinance of God* in Supremacy, *Of Cases of Resistance*; *of Kinds of Monarchy*, *of the Constitution of this Monarchy*; but how truly and satisfactorily, it is my part to examine, and let the world judge.

But as if he had already cleared the matter, he proceeds to give sentence before the cause be heard: *And doubts not to call the contrary Resolution a Blaspheming of God and the King*; p 4. I answer, If there be any which will defend the lawfulnesse of taking Armes against the *King*, and in any case to *resist the Powers*, They crosse the evident truth of Scripture, and I condemne them: Yet me thinks the Doctor deales somewhat severely with them, to call them *Blasphemers of God*, for every errour about the word is not *Blasphemie*; but a wilfull and obstinate speaking evill of the things of God. Likewise concerning a King, if it be true that he be seduced; then it is no *blasphemie*, which alwayes is a *falshood*. If it be false, yet it is inhumane to call it a *blasphemie*, when it imputes nothing to him, but *to be seduced*, which the best and most innocent Prince may be; sure, if it be *a blasphemie*, it is of the Counsellours and seducers, for to them the evill is imputed.

Then *p.* 6. He comes to speake of what he intends in this present booke: *sc.* that he will cleare this point, *That the Doctrine teaching that subjects may take Armes against their Soveraigne for the defence of Religion and Liberties, when in danger of subversion, is destitute of Scripture and true reason.* As I said, still he drives at a vaine scope; to proye that which none denies: Let him prove, that in our Kingdome, Resistance of subversive instruments is a taking Armes against their Soveraigne, and he does the work; else he proves in vaine. But let us see how in the *processe of this booke*, that will be cleared which none doth deny. *First upon examination of places of Scripture it will appeare, that Gods people were continually under Kings which they might not resist, &c.* What then? must it needs follow, that all other people must too? But whether the word containes any thing against Resistance, and how far, we shall enquire in the processe of this dispute.

diſpute. *Secondly, Upon the examination of Reaſon, it will appeare how inconſiſtent ſuch a Power of Reſiſtance in ſubjects is with Government, &c.* Indeed he will make appeare a great matter; would he would ſpeake ſomething to the Queſtion, and not proceed ſo indiſtinctly; I hope in the proceſſe of his book he will come neerer to the buſineſſe then here he promiſeth, or elſe all our labour will be to little purpoſe.

After he hath told us what great matters we are to expect in his booke; he complaines how much his expectation hath been deceived by his Adverſaries. He confeſſes, They have great *appearance of Reaſon raiſed on* Ariſtotles *grounds or principles; ſo that at firſt ſight it ſeemed unreaſonable that ſubjects ſhould be left without this remedy.* If he ſpeake all this of *Reſiſtance of their ſoveraigne*, ſure it ſeemes not at all *unreaſonable*, but agreeable to all reaſon that ſubjects ſhould be without this remedy: It is directly againſt the word and all ſound reaſon, that a people lifting up a Perſon above themſelves, and by ſacred Covenant giving him a Power above themſelves, ſhould afterward on any pretence aſſume a power of Reſiſting that Perſon and power, and violate their own Covenant and Oath of due ſubjection. But if that Perſon be inveſted with a *limited Power*: and he proceed to acts of meere arbitrarineſſe without the limits of that Power conferred on him: Then it is all the reaſon in the world, that the *Limiting States* ſhould exerciſe an effectuall reſtraining Power by reſiſting inſtruments of ſuch arbitrary and ſubverſive acts, and we have not a ſillable of Scripture contradicting it. But if it ſeemed ſo *unreaſonable* to the Doctor, that ſubjects ſhould be without this remedy; why doth he contradict Reaſon in a buſineſſe within its compaſſe? He tells you, *He found Reaſon preſently checked with that ſaying of our Saviour*, Mat. 10. 25. *It is enough for the Diſciple that he be as his Maſter.* And was this all the *check* your Reaſon had? It is a very weake Reaſon which would yeeld to ſuch a check. What? is every Chriſtian bound for his outward ſtate to be in no better caſe then Chriſt was? If he were pleaſed to be borne under an abſolute Government, to be of low and poore condition, doth this impoſe a neceſſity on all to be no freer, no richer then he was? A man would think his *Reaſon* were not only *checked*, but *broken*, which ſhould ſo argue. Let it be proved that by the providence of God we are brought forth under ſuch a Governement as *our Maſter* was, then will we hold our ſelves bound by his example, to abide

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quietly in that condition we are borne to; but if God, as he hath dispenſed to many a richer eſtate then Chriſt was pleaſed to have, ſo hath to us a freer Government; then the Apoſtle adviſeth us *to uſe it rather*, and not to be trifled out of it, by a ſhew of our Maſters example, in a caſe in which it binds no man.

But in what hath his Adverſaries ſo much deceived his expectation? *He expected expreſſe Scripture, but he finds them altogether failing; only their faith and perſwaſion is reſolved into an appearance of reaſon raiſed upon* Ariſtotles *grounds and principles*, p. 6. Mr *Hooker* might have taught him that the intent of the Scripture is to deliver us *credenda*; but in matters within the compaſſe of Reaſon, it is enough if we have evident reaſon for it, *Scriptura non contradicente*: and I am confident the Scripture hath not a tittle againſt ſuch a Reſiſtence as I doe maintaine; and we have reaſon enough for it. The Scripture was not given to preſcribe *frames of Policie*, which are various according to the diſpoſition of people; Generall Rules there are for Government, which being obſerved, Particulars, which fall under no ſetled Rule, are left to reaſon and the poſitive Lawes of Nations to determine. Yet we are not wholy deſtitute of warrant from Scripture, as the Doctor affirmes, but are better furniſhed then he, as it will appeare in the ſequell. If *Buchanan*, and *Junius Brutus*, or any elſe have raiſed any doctrines on Ariſtotles grounds which will not conſiſt with Gods Ordinance ſet downe in Scripture concerning Authority, I am not bound to make good other mens exceſſes: This Replier knowes, that as I repudiate his Aſſertions tending to the ruine of all Liberties of States: So I hold it unlawfull to uſe any force againſt the perſon, or Authority of the Supreame, even in the moſt Legall and limited Monarchy. Therefore he doth me exceeding wrong in the cloſe of his firſt Section, to ſay, *that, I agree with the reſt to uſe what force they can againſt ſuch a Monarch for ſuppreſſing of his tyranny, &c.* All I ſay is, *that Force may be uſed*; but neither againſt the *Perſon* nor *Authority of the Monarch*, which in all Governments of that nature are to be held ſacred and inviolate.

Chap. II.

An anſwer to the ſecond Section concerning Caſes of Reſiſtence.

I Could have wiſhed, that if it had pleaſed this Doctor to reply any thing, he would have followed the ſteps of my Treatiſe; but ſith he intends

intends no full returne, but doth only catch at here and there a paſſage, without obſerving any order, I will frame my Anſwer to the courſe of his Reply; and cleare the parcels of my book as I find them aſſaulted in my reading of his. The Title of this Section being *Caſes of Reſiſtence*, the firſt part of it is ſpent about ſuch Caſes as are put by the *Divines who plead for Defenſive armes*. At length, *p.*9,10. He comes to the alone *Caſe* in which I defend Reſiſtence, in the *p.*51. of my Tract, where I put the Queſtion of *Perſons miſimployed to ſerve the illegall deſtructive commands of the Prince*. And I affirm in ſuch caſe, and of ſuch Perſons Forceable Reſiſtance to be lawfull by the two Eſtates of Parliament. This I prove by five Arguments, which here the Doctor doth not touch, but referres them to the *p.*93. of this Reply. Only here he gives us a Magiſteriall determination without any proofe at all. But let us heare his Reſolution upon the caſe. He dares not openly to pronounce it unlawfull: but diſtinguiſhes of *Perſons* and *Times*, as if he would yeeld it lawfull in ſome, but not in others; Certes, if for any, then for *the two Eſtates*; if any, then *Inſtruments of ſubverſion*: if ſimply *none*, why doth he with ſo great cautele diſtinguiſh. Well, *audiamus diſtinguentem*: *If by thoſe miſimployed perſons be underſtood the Commanders and Souldiers of the Kings Armies, I cannot ſee (nor any man els, I think) but that the reſiſting of them by a contrary Militia, is a reſiſting of the King, and unlawfull*, p.9. I anſwer, I cannot ſee, nor any man elſe, I think, why *Commanders* and *Souldiers* ſhould have a priviledge of ſubverting States and Governments more then other men: Can the Royall Power extend to give them an irreſiſtibility, and not to others? Certes, if others may be reſiſted, much rather Commanders and Souldiers, becauſe there is greater danger of ſubverſion from them then from others: Their being Commanders and Souldiers makes them more dangerous, but not more priviledged: *But, he nor none elſe can ſee, how ſuch can be reſiſted, but it muſt be a reſiſting of the King, and unlawfull*. Perhaps he is miſtaken in others, they may have clearer eyes then he hath: In the *p.*52. of my Treatiſe, I have made it *luce clarius*, that in a *Legall* Monarchy it is not a Reſiſting of the King. Then he proceedeth to another ſort of men which I hope may be reſiſted. *But if by thoſe miſimployed perſons be underſtood other inſtruments of oppreſſion in times of peace, before it come to Armes*. What of theſe, may ſuch be reſiſted? Here he reſolves very cautelouſly and timorouſly, after many words, *p.*10. *Without prejudice* to other aſſertions.

assertions of his of other resistance, *He conceives it not unreasonable to say, First, if private men be sodainely assaulted, and life imminently endangered, and no meanes of avoiding by flight, then is personall defence lawfull, for such sodaine assault carries no pretence of authority with it.* What is this to the matter? we enquire not of resisting assailants carrying no pretence of authority with them; but of subverters of Government warranted by the Kings will; and carrying pretence of Authority, though they have none. Secondly, If they come with pretence of Authority, there *may be seeking redressement above from Authority, but if that may not be had, yet no resistance.* And who then minding to kill or rob, may not make a pretence of Authority, that so he may effect his mischiefe without repugnance? But yet the Doctor will give us a little more, *The Ministers of Power in each County, and the Houses of Parliament also* (for with him they be equall) *may at first stay, restraine, and commit such misimployed instruments, and so represent the matter againe to the King.* But is not this to resist them? No; he tells us, *this is not to resist.* No? if misimployed instruments may be *staid, restrained, and imprisoned,* sure they may be resisted: Else what if they should choose, and will not be committed; The Parliament must not lay hands on them to compell them; for so there may chance to be fight, and slaughter in the apprehension; and then the Doctor would call it Resistance I think. But suppose the Houses of Parliament doe commit such persons and represent the matter to the King, *and a King should be so obstinate as to persist in the maintenance of those illegall courses, and to that end imploy the Militia, it is neither Legall nor Reasonable, they should pursue the opposition to the setting up of a contrary Militia or Power,* p. 11. Here we see the upshot of the English freedome, and priviledge of Parliament. This is that which I said; *These men overturne all liberties, The result of their doctrine destroyes all policies, reducing them all to that which is arbitrary:* If the King should set Souldiers to destroy Lawes and Parliaments, They may (if they be able) stay their hands till they goe to the King, and know whether it be indeed his will and pleasure to have them destroyed or no; If he say, Yea; then they must returne and submit to the vilest instruments of subversion, and not lift up a hand to resist them. But let us see, on what weighty reason the Doctor builds this fatall Resolution. *This were a contestation of Power with him whose Ministers they are, a levying of warre, an opposing of*

Armies

Armies against Armies. Sure this man doth much abhorre a Civill Warre: I cannot blame him: but yet we may buy an immunity too deare, at the prize of a subversion of Religion, Laws and Government, which is the case in dispute. This were to choose to be killed, rather then to fight: To have a State subverted, rather then disturbed by a warre to prevent it. I grant, *There must be no contestation of Power with him whose Ministers they are:* But this is the point to be proved, that in this case, it is so: I utterly denie the Royall Power in our State can be communicated to subverting Instruments: And I doe in vaine expect, while the Doctor prooves that, which every where he supposeth: For he builds all on this foundation, sc. *That Gods Ordinance is an Absolute unlimited Power, investing the whole Will of the Supreame, and cannot be determined in the exercise, but onely morally*; the vanitie of which conceit will appeare hereafter, yet note here in the close, that while he pretends a detestation of Civill Warre, he could doe nothing more to foment it, then by defending such Positions of intolerable servitude: Did not such rigid Counsellours of the King of Israel cause the greatest Rent and Civill Warre that ever was made in any Kingdome?

Chap. III.

An Answer to the third Section which concerns severall kinds of Monarchy.

In my opinion it had been fitter to have treated first of *severall kinds of Monarchy*; and then of *Cases of Resistance*; for the subject *in which* should precede the Question *whereof*, in all methodicall proceeding. Here againe in the first place, this Replier would make his Reader believe that penury of Scripture-proofe put me upon distinguishing of severall kinds of Monarchy, *That so I might lay all the defence of Resistance upon Reason drawne from the severall condition of Monarchies*, p. 11. I have sufficiently before discovered my intention in that Treatise. The Resistence which I defend hath as much proofe from Scripture, as a matter of that nature need to have. Then he abuses me, as finding fault with Divines, that pleading for absoluteness of Monarchicall Power in this Kingdome bring proofes from places of Scripture, p. 12. I complaine not of *all* Divines, but *some*, such as this *Resolver* is: *Some*, and that but of late yeares; and that but *in this kingdome*, where such doctrines are the rode to preferments: nor doe I blame them *for bringing proofes for subjection, and against Resistance from places of Scripture*, Sect. 1.

ture, as he calumniates me; but I blame their groſſe perverting of Scripture; bringing prohibitions of *Reſiſtance of Powers* againſt them who condemne it as much as themſelves; And of *violating the Lords Annointed* againſt them who hold them as ſacred and inviolate, yea on more ſolid grounds then themſelves doe. And their fraudulent reaſoning from one kind of government to another, as if all Politicall proviſions of States for their Liberties did make no variation in the caſe; but that ſtill they were in the ſame State, as the people ſubject to the moſt abſolute vaſſallage.

Sect. 2. But becauſe he boaſts ſo much of *ſetling mens Conſciences on Warrant from Scripture, that he expects command or allowance of Reſiſtance from Scripture*, p. 6. *That his Adverſaries reſolve all their faith and perſwaſion on an appearance of Reaſon drawne from* Ariſtotles *grounds*, ib. and here *that I obſerve there is but little pretence from Scripture for Reſiſtance*; and thus would perſwade men, as if he had all Scripture for him; we nothing but a few huskes of reaſon for us: Let him not thinke to carry it thus away with vaunts and big words: I will profeſſe here once for all. He hath not a ſillable of Scripture or right reaſon to ſatisfie the conſcience with in this controverſie: If it pleaſe this Doctor, let us joyne iſſue upon it, and put the whole caſe on this point. The Queſtion betweene us is, *Whether in a limited Monarchie, Reſiſtance of ſubverſive Inſtruments be unlawfull*, He affirmes, I denie. He undertakes to ſatisfie mens conſciences that it is unlawfull: bringing not one Text of Scripture, which ſpeakes to the point: Something he brings to proove it *unlawfull to reſiſt the Ordinance of God*: that *the Magiſtrate which is ſupreame under God is above all Reſiſtance*, p. 84. He doth great matters; who doubts of theſe things: Then p. 84. he accumulates nine Arguments, but all ſo *non concluding*, that nineſcore of them will not make one ſound proving Reaſon of the point in queſtion, as it will appeare when we come to conſider them. On the other ſide we have *both* to ſettle mens conſciences on. 1. Examples of Scripture, *ſc.* The peoples reſcue of *Jonathan*: *Davids* armie againſt the cut-throats of *Saul*, that is, ſubverſive Inſtruments: Theſe being particular men, and in an abſolute Monarchie proove the point the more ſtrongly, ſo ſtrongly that the Doctor is faine to flie to that *ordinary* evaſion, of an *extraordinarie priviledge*. Beſides all thoſe places which prove it lawfull to reſiſt private men, ſeeking to ſubvert Lawes and Religion, and the publike good: ſith in a limited State they are but private men, though backed

backed with a Commiſſion from the Kings will and pleaſure. 2. Then for Reaſon; I have ſet downe five, *p.* 53. all unanſwerably concluding the point in Queſtion, as I doubt not the conſiderate Reader will acknowledge.

He profeſſes, p. 12. *That it was never his intent to plead for abſoluteneſſe of Power in the King, if by abſoluteneſſe of Power be meant a Power of Arbitrary Command.* What his intent is I know not, but he hath fully done the thing, or I have no underſtanding to ſee when a thing is done. In the precedent Section, he reſolves all caſes into the *Arbitrium Regis*, the meere pleaſure of the King: allowing the Houſes of Parliament only a power of ſtaying the hands of deſtroyers, till it be expreſſely knowne whether it be the Kings *pleaſure* they ſhall be deſtroyed: And I am confident the meaneſt apprehenſion will diſcerne, that they who make the Monarchs ſole Will the laſt judge of all controverſies: and ſimply deny in the laſt caſe of ſubverſion, all Power of Reſiſtance of Inſtruments, even to the ſupreame Courts of Law and juſtice, doe without any controverſie, reſolve all government into an Arbitrarie Abſolutenſſe. He adds, *We allow a diſtinction of Monarchies and admit the Government of Kingdomes to be of divers kinds, and acknowledge a legall reſtraint upon the Power of the Monarch in this Kingdome. Verba datis, rem negatis*; you allow indeed a kind of *diſtinction of Monarchies*, but all within the compaſſe of *Abſolute*: *A legall reſtraint* you ſeeme to acknowledge; but ſuch an one as reſolves into the Arbitrary Will of the Monarch, as I have made it appeare in my former Treatiſe; and you will never be able to wipe off by this, or any other Reply. Then he promiſes that in this Booke certaine points *will appeare to be truth, agreeable to Scripture and Reaſon*: ſc. *That Government is not the invention of man, but the inſtitution of God: That Governours have their Power not from the people, but from God: That Governing Power is one and the ſame in all ſupreames, and can only be limited in the exerciſe. And that where a Prince ſtands ſupreme, and next to God above all the people, there the Subiects may not take armes and make forceable reſiſtance for any exorbitances.* Theſe ſeverall Propoſitions how farre they contain Truth, and how far not, I ſhall in the ſequell make appeare.

After theſe great promiſes, he proceeds, *p.* 13. to ſpeake ſomewhat of the *Originall* of Governing Power: and accuſeth me as if *I ſeemed to affirme it to be from God; but in the proceſſe of my booke, he finds me deriving it indeed from the people.* I perceiving two contrary opinions Sect. 3.

concerning the Originall of Government, did in that Treatise endeavour to reconcile them, and to shew in what sence both are true. To that end, as there is manifest, p. 4. I distinguished 3 things. ' It's *constitution*; ' It's *Limitation* to one kind. ' It's *determination* to one individuall Person and Family. The first of these I did affirme to be *from God*: The two latter *from Men*, and then concluded, *In these things we have Doctour Fernes consent.* Let us see what exceptions he can take at this peaceable assay of Reconcilement. *In the processe of my Discourse he findes me deriving it from the people.* What then? Doe I denie it thereby to be from God? as if *Subordinates did exclude one another.* God hath ordained that Powers should *be*: People by vertue of that Ordinance give them *existence* in this or that *kind* and *subiect.* The Doctor acknowledges all this, but *not in my sence*, p. 14. He grants the *Designation of the Person, and the Limitation of the Power to severall kinds to be from the consent of the People.* I say no more; why doe we not then agree? The plaine truth is, The Doctor will not have *Limitation of Power* to be at all from the people, what ever he pretends: How then the Limitation of the Power to severall kinds is from the people, as the Doctor yeelds, I cannot tell. Is not Limitation of it into kinds, Limitation of the Power it selfe? But he is possessed that *my sound sence is another sence from his*; what other he doth not shew: but it is another which he likes not. Why? ' *Because sometimes I say, the people reserve a Power to oppose or displace the Magistrate: Sometime they divest themselves of all superiority.* ' Tis true, I say so, but withall I say, that when they reserve such a Power, they constitute no Monarchy. Is it not so, in the highest Ministers of Power in Aristocracies and Democracies? What can he say against so apparent a Truth? 2. *I call them*, p. 63. *Architectonicall* Powers. This he derides and saies, *This is the riddle of this Governing Power originally in the people. They are Architectonicall Powers, but build upon foundations laid in the aire*, p. 14. Then he gives his reason, *For before Government established they have not any politique Power, whereby a Command may be laid upon others, but only a naturall power of private resistance.* This is false, that they have *only* a naturall power of private Resistance. They have indeed no *formall* politique power, for we speake of a people free from all government; but they have a *virtuall radicall power*, by publike consent and contract to constitute this or that forme of Government, and resigne up themselves to a condition of subjection on *Termes* and after a *form*

of

of their owne constitution; so the *Athenians*, *Lacedemonians* and *Romans* of old having expelled their Kings: and the *United Provinces*, with others of latter times have done: This is that which I called *Architectonicall Power*; and the Replier vainly carpes at the name, when he cannot denie the thing. But I know what he aimes at in all this, *&c.* That Gods Ordinance is an absolute boundlesse Power in all Supremes, uncapable of any limitation, but in the exercise. Of which fully afterwards.

At length *He takes a nearer view of the Formes of Monarchie, spoken of by me, and makes a few observations upon such particulars as him pleaseth*, p. 14. Let us follow his steps. First, for Absolute Monarchie, whereas I say it is, *When Soveraignty is so fully in one, that it hath no limitation under God, but the Monarches owne Will.* He approoves my description; but threatens *to remember it below*, p. 15. Let him doe so; and make his best advantage of it, only here he cannot forbeare one note, that then it is not the deniall of resistance which makes a Monarch absolute; but the deniall of a law to bound his Will. I doe grant it; but with all I say, that it is *necessariò consequutivum*, though it be not *constitutivum*: for sith a Monarch which is obsolute hath no Law to bound his Will; but his very Will is the Subjects Law, then every act of his Will is Gods Ordinance, and so by consequence it is unresistible. Also, *p.* 15. He allowes it, when I say, *A limited Monarch is he who hath a Law besides his owne Will for the measure of his power.* But yet he dislikes that I say, *He must be limited in the Power it selfe, and not only in the exercise*; and I added a reason, *for an Absolute Monarch may stint himselfe in the exercise of his Power, and yet remaine absolute.* What saies he to this? *True, if such a Monarch limit himself and reserve a Power to vary,---but if he fix a Law with promise not to varie, then in those cases he is limited.* Note the fraud of this *Replier*, he alters his terms and puts things as opposite which are not so: He should say, if he limit himselfe, and *reserve a power to varie*; then he is absolute; but if he limit himselfe and *reserve no Power to varie* (for then the opposition is direct) then he is limited. But in stead of saying (*and reserve no power to varie*) he saies, but [*if he promise not to vary*] I say that *promise not to vary*, if it be a *simple promise* of not varying, it doth not make him limited in his Power, any more then *morally*, and so every Absolute Monarch is limited. I affirme still, it is Limitation of the *Power it selfe*, not barely of the *exercise*, which constitutes a Limited Monarch: for Monarchy is a state of Power, and therefore it's *specificative* distinction

Sect. 4.

on must be from something which distinguisheth Powers, and not the exercise of Powers; but this is enough proved in the 5[t] page of that Treatise.

Secondly, he blames me for that *I suppose a Limited Monarch must be radically, that is, originally invested with such a measure of limited Power, and that limited,* ab externo, *and not from the free determination of his owne Will.* Here he adds *originally* of his owne; that so he might seeme to finde a contradiction, when I afterward say, that it may be done by *originall constitution,* or by *after condescent*; but yet he confesseth, *I have a salve, when I make it such a condescent, as is equivalent to an Originall Constitution, because amounting to a change of Title, and a resolution in the Monarch to be subjected to, no other way.* I make no *salve,* nor doe I need any; he who weighes the Uniformity of Truth in that Treatise will see it needs no salves: Onely I distinguish those things which are in their natures distinct, which if the Doctour had done, this Contention either had not been begun, or would soon have an end: Who sees not that a *Promise,* whereby a Monarch may bind himselfe may either be with a *limitation* of the bond of subjection, or *without:* And that this makes a reall difference: for *in this* the Government remaines the same, becaus the Dutie of subjection received no variation; but *in that* there is for so much a *Transitus* into a limited condition. But these things cannot be more fully and clearly expressed then they are in the page 13. of that Treatise. But he answers, *Where there is such a change of Title, it is done at once, and by expresse and notorious resignation of former Power; but it is not necessary that an absolute Monarch should come to a limited Condition after that manner.* I say, if he will passe into a limited condition, it is necessary there be a limitation of his Power, else he is not truly limited: But that all such limitation be done *at once and by notorious resignation,* it is not necessary, as will appeare afterward where this matter of *Limitation* is more distinctly handled.

Sect. 5. His next complaint is against something I have in the page 25. *sc.* That in a mixed Government (if it be of three) the Soveraign Power must be in all three originally, and from fundamentall constitution. *He judges this not necessary, p.* 17. and he gives a wonderfull Reason: For as *Limitation may be only of the exercise of the Power, and not of the Power it selfe; so mixture is in regard of Persons ioyned to the Monarch for certain acts and purposes; but that they should have any share in the Soveraign power,*

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the nature of Monarchy will not admit. 1. Juſt ſo; for as a Monarchy is not limited unleſſe there be a limitation of Power, for Monarchy is a Power; ſo a Monarchy cannot be mixed, unleſſe there be a mixture of Powers, for Monarchy is a Power; and to ſay a mixt Monarchy, and yet the Power not mixt, is to ſpeake contradictories. 2. If the mixture be not of divers concurrent Powers; wherof is it? He tells us, *of the Monarch and certaine other Perſons joyned with him for certaine acts and purpoſes.* Theſe joyned Perſons, have they any concurring Power to doe thoſe acts for which they are joyned? If not; then the adjoyning is futulous and vaine, and the Power of Monarchy is mixed of a Perſon having Power, and of others having no Power to doe that for which they are joyned. You will ſay, They have Power, but not diſtinct from that of the Monarch: that is, they have none; for in mixture, if it be not diſtinct, it is none at all. Againe if they have any, it muſt be diſtinct, for ſubordinate it cannot be; if the Acts to which they concurre be ſupreme Acts, unleſſe we ſhould be ſo abſurd as to ſay, They may concurre to ſupreme Acts, by a ſubordinate Power. But let us ſee, what a maine Reaſon he hath for averring a conceit ſubject to ſuch abſurdities. *Such a mixture would make ſeverall independent powers in the ſame State or Kingdome, which is moſt abſurd.* I grant it is abſurd, if he ſpeake of ſeverall *complete* independent powers; but to affirme ſeverall *incomplete* independent powers concurring to make up one *integrall* mixt power, it is no abſurdity at all, for ſo it is, in all *Ariſtocracies* and *Democracies*, and muſt be acknowledged in all *mixed* States, where the ſupremacie is not wholy in the hands of one perſon. Yet here we doe not ſo make them *independent*, but that we give a large predominancie to One, as, *in nature*, in all mixed bodies there is, as I have at large explained my ſelfe in the next Section, if the Doctor had been at leaſure to have taken notice of it. I yeild to that which he ſayes, *p.* 17. *that it is not neceſſary the Mixture ſhould be ſo Originall, but that it may alſo come afterwards by condeſcent*: It matters not, ſo it be originall, that is, *radicall*: of *Powers*, and not of *meere Acts*: And indeed, there cannot be a mixture of *Acts*, unleſſe it be alſo of *Powers*: for *Acts* are from *Powers*: and where *Powers* are ſubordinate, there can be no mixture in their *Acts*; the Acts of cauſes ſubordinate, are alſo ſubordinate, and not coordinate and mixed. But I there brought two Arguments to prove that *in a Mixed Government, the Concurrents muſt have independent*

dependent and distinct Powers. Let us see how he answers them. 1. *Because else it would be no mixture, but a derivation of Power, which is seen in the most simple Monarchy.* He answers, that *derivation* of Power is either upon *substitute Officers* supplying the absence of the Monarch in the execution of Power: and this is in the most simple Monarchy. Or else *upon Persons whose concurrence and consent is required to certaine Acts of Monarchicall Power; and this makes a mixture, though they have no share in the Power it selfe,* p. 17. I answer, 1. Absence or presence of the Monarch; whether they Act for him, or with him, varies not the case, If the Power they work by be derived from him, then it is his Power, and so constitutes no Mixture. 2. As if in the most simple Monarchy, the Soveraigne doth mannage the *ardua imperij*, the weightiest matters of State alone; and not by consent of his Counsell; without whom he is *morally* bound, (that is, on the sinne of rashnesse) not to transact them, and that is all, which the Doctor yeilds to the Houses of Parliament, *&c.* that the King is *morally* bound to their concurrence and consent in *certaine Acts.* This is nothing but the shadow of a Mixture; If the Power of Acting be so in one, that, if he please, he may doe those Acts without the concurrence of those adjunct Persons, though he ought not, it is no Mixture, because the Power is simple and One; and mixed Acts cannot flow from one simple Power. This the Doctor sees, and therefore sayes, *If this Authour will not call this a Mixture, We cannot help it,* p. 18. We doe not enquire of *Names*, but of *things*; nor whether it make a difference in Government or no; We treat of a *Mixt Governement:* and, I think, no man of common sense will affirme, that a Government can be really mixed, and yet the Power be simple. 2. *Because the End of Mixture (which is Effectuall Limitation) cannot be had by a derivate Power.* He answers; *Though a Derivate Power cannot set new bounds to the Soveraigne Power, yet may it stand to keep in a legall way those bounds which the soveraigne Power hath set to it selfe.* Observe, He dares not to say, They *may keep:* but only *stand to keep*; nor *stand* neither, but by *advice*; that is *morally:* If he will exceed those bounds, the Act is valid, and hath all its Authority without them: Only he sins, if he doe so; because he hath promised he would not doe it without them: Here's excellent Limitation and Confinement from exorbitancies: A bare *promise*, without such adoe, in constituting *States* and *Mixtures*, would be altogether as good a

bounds;

bounds; but of this we shall have more occasion to speake afterward.

In the close of this Section he turnes back to the *p.* 21. of my book, and hath somewhat to say to my Assertions about Monarchy by conquest. There first I say, *If the invasion be made upon pretence of Title, and the pretender doth prevaile, it is not Conquest properly, but a Vindication of a Title: and then the Government is such as the Title is by which he claimed.* He tells us, *He sees no injustice in it, if such a one having prevailed should use such a people as a Conquerour*, p. 19. The Lord keep us from this mans justice. What; No injustice? If the Pretenders Title allowed by a great part of the people, he by their aide subdues the rest, shall he for their labour crush them into servitude, and use the power of a Conquerour, without injustice? 2. Suppose the people not convinced of the right of his Title make at first some opposition; but yet the pretence of his Title, and apprehension that he seekes no more power then his Title imports, work a yeilding disposition in them, so that they withstand not so universally, nor so long as they might have done; but at length submit to him on his pretended termes: were it not high injustice to take advantage on such a people, and having them under hatches to desert those termes on which they yeilded, and use the full right of a Conquerour: This was Englands case with Duke *William*. But the maine thing which sticks by him is something I have delivered, p. 23. *It is an uncontrolable truth in policie, that the consent of the people, either by themselves or their Ancestours, is the only meane in ordinary providence, by which soveraignty is conferred upon any person or family.* Against this he is very angry; and opposeth it in many words; but to my Argument from the Morall bond of subjection, he sayes nothing at all. He termes it *good policie, but bad divinity*, p. 20. And sets up an *Antiposition*, that *When the invading Prince has perfectly subdued a people (there being no heyre to whom they are bound) and hath setled and constituted a frame of Government, then providence doth sufficiently discover it selfe, and such a people ought to submit and take this Prince as set over them by the hand of providence.* As if these two were contrary: I say, *They are not bound untill they consent:* He sayes, in such a case *they are bound to consent*, because then providence discovers it selfe: And he brings *Calvin* at large to prove that which none denies: I grant a people (not preobliged,) fully overcome should much sin against Gods *providence* by obstinacie, if on a meere will, they consent not to reasonable Sect. 6.

termes of ſubjection: But this I ſay, There is no morall obligation to Authority, before that conſent bind them: Conqueſt may be an *Antecedent cauſe*; but the *immediate and formall cauſe* is only the conſent of the people; which he cannot ſay againſt; for that muſt be *morall*, and not meerely *violent*. The call of providence challengeth a contented ſubmiſſion, if there be no reaſon hindring it; but if a precedent Oath or ſome other ſound reaſon intervene, then it is no call requiring ſubmiſſion: Neither can the fulleſt conqueſt make a people debtors, but they remaine free from any morall bond; for the providence of God being of it ſelfe externall, can induce no morall ſtate; but that providence which on one diſcovery calls to a ſubmiſſion: on a like diſcovery may free them againe, if nothing elſe come between, to render them morally bound: A Travellour, by the providence of God ſhut up into the hands of a Robber, hath his life and protection promiſed him in his journey, if he will promiſe to pay him ſo much money: I ſay, this Trayailor ſhould ſin againſt his own life, and the providence of God, offering him thoſe termes, if obſtinately he refuſe ſubmiſſion: Yet no man will ſay he owes the robber ſo much money, becauſe he hath him at his mercy, untill he by promiſe make himſelfe a debtor: Thus have I made good that *maxime* of mine to be *an uncontrouleable Truth, good Policie, and good Divinity too*; maugre all the Doctor hath or can ſay againſt it.

Chap. IV.

Wherein the vanity and falſhood of the ſuppoſals whereon the Doctor hath built all his diſcourſes is made appeare.

Sect. 1. After a ſcattered gleaning of paſſages in the former Sections, the Doctor undertakes the two great Queſtions. 1. Of the *Conſtitution* of this Monarchy, in his Sect. 4. 2. Of *Reſiſtence*, in the remainder of his book. Which two, we ſhould now immediately purſue; but that another work more conducent to the ending of this contention will for a while divert me.

Errour in the ſearch of controverted truths doth more often ariſe from the *judgement*, then from the *reaſon*: Men doe more offend in laying falſe grounds; then in deducing falſe inferences from true grounds; This I have obſerved in the Doctors bookes; He truly argues, but from falſe principles; and then the ſuperſtructure muſt needs be anſwerable, ſo that, overthrow his foundations, and then all his building

ding will of it ſelfe ruine into apparent falſhood. I confeſſe he every where ſayes the ſame of my Grounds, on which I have built that Treatiſe: He cals them *falſe* and *groundleſſe ſuppoſals*, and *fancies*, and what elſe he pleaſeth: I will therefore make him a fayre offer: Let us make a ſhort work of it: let us joyne iſſue upon our *ſuppoſals*, on which both our diſcourſes are built.

This Doctors *ſuppoſals* which he ſcarce ever makes ſhew to prove and on which he hath built his *Reſolves* and *Diſcourſes* I doubt not to call *unſound* and *falſe:* and doe profeſſe the contrary to be my grounds whoſe truth I will maintaine. His may be reduced to foure heads. 1. Concerning the *Ordinance of God in Soveraignty*. 2. Concerning the *Nature* and *Quality* of *Limitation*. 3. The *Meanes and cauſes of Limitation*. 4. The *Conſtitution* of this Monarchy. And according to this order we will take them into examination.

Firſt, Of the *Ordinance of God in Magiſtracy*, He proceeds on two falſe principles. 1. That *the Governing power is one and the ſame which God gives and ſettles upon the perſon that is ſupreme*, p. 13. that is, it is abſolute and unlimited in the power it ſelfe; and may be limited only in the exerciſe thereof, *p.* 17. 2. Which followes from the former, that *Conſent of people may be the meane of deſigning the perſon, and yeilding ſubjection to him, Who elſe could not challenge it more then an other man; alſo a meane of limiting that power in the exerciſe of it; but not the meaſure of the power it ſelfe, which in ſuch a meaſure is given of God to all Soveraignes*, p. 41. ſo then; let this be the Queſtion, *Whether it be Gods Ordinance that Governing power in all Soveraignes be one unlimited thing; and can receive no meaſure from the people?* The Doctor affirmes it; and *p.* 84. tells us he hath *often inſinuated* it; but he ſhould once directly prove it, if he be able, ſo he might have preſcribed to the whole controverſie; for if he can make this good, in vaine doe we enquire about the *conſtitution* of this Monarchy; or the lawfulneſſe of *reſiſtance* of ſubverſive inſtruments of the Princes will. Doth he think a covert *inſinuation* would ſerve the turne to impoſe ſuch an Aſſertion, which fruſtrates the intereſt of mankind in framing limitations of Governing power; and captives all into an abſolute *paſſive ſubjection* to the vileſt inſtruments of the will of him who is ſupreme. In all his *reply* I find but two places which have any ſhew of proofe of this overbold Aſſertion. One is p. 14. *Before Government eſtabliſhed the people have not any power of a community*

Of Gods ordinance in ſupremacie.

Queſtion propoſed.

or politick power whereby a command may be laid upon others; but only a naturall power of private resistance. The other is p. 42. *The people have not of themselves out of Government, the maine power, the power of life and death, how then can they give it either for Government, or reserve it for Resistance?* Here be weake foundations to build such an Assertion, and three such insulting books on. What a nothing this is, I shall make appeare anon.

Question stated. Now I hold the *Negative* of this Question; and doubt not to approve it firme truth: To that end, first I will premise such things as we agree in, that so the point in question may the more distinctly appeare. Which I apprehend are or may be these. 1. *That Governing power is originally from Gods Ordinance.* 2. *That it being so, is unresistible in its whole latitude, in all the acts which flow from it.* This the Apostle is cleare for, *Rom.* 13. and for no more, that I know. Also that this is true as well in Limited as Absolute Governments; *v. g.* In absolute Monarchy, where Authority doth invest the *whole will*; the Monarch is unresistible in all the acts of his reasonable *will*; because all are acts flowing from Gods Ordinance. So in limited Monarchy, where Authority doth not simply invest the *will* of a Monarch, but so far forth as it is regulated by such a law, the Monarch is unresistible in all the acts of his will which are according to that law; because they are acts flowing from Gods Ordinance: Yea though either of these doe limit himselfe in the *exercise* of his power, no way thereby diminishing the fulnesse of his power; and afterward exceed those limits, yet he is unresistible, and to be subjected to *actively* in lawfull things, and *passively* in unlawfull: my reason is, because even those acts, notwithstanding limitation, flow from Gods Ordinance of Authority, which remaines the same, and not lessened by such limitation. 3. *This governing power is ordinarily conveyed to persons by publick consent,* which is a point made good in my former Treatise, and in the former chapter hereof. 4. *That this publick consent is not only a meane, but hath a causall influence in conveying Authority to persons.* 5. *That men working by such consent as second causes, doe necessarily convey such Authority, as God hath ordained*; so that, if it can be proved either by Scripture or sound reason, that it is Gods ordinance, that supremacie should be unlimited, and as large as all the acts of his will which hath it, then whatever men capitulate about limitation of it, is vaine, so that the Doctor need prove only that point; and for my part I will give him the cause.

6. *Limitation*

6. *Limitation of Power may be either of Acts*, when Power is conveyed to Persons to doe certaine Acts of Power; but not all. Or else of *Manner of working*; when Power is conveyed to doe all Acts of Authority, but according to such a prescribed Rule. Now I grant the former cannot be in the conveyance of Soveraigne Power, an inferiour Officer may be limited by commission to certaine acts of Power; and have no Authority to do other Acts of power; but when Soveraignty is conveyed, and the Person is set up *next to God, above all the people*, as the Doctour saith. He must have an unlimited Power in respect of Acts of Government: for Gods Ordinance is not onely that there should be *Power* for such an end; sc. a *Peaceable life in godlinesse and honestie*; but *sufficiencie of Power* for the attainment of that end: So that all Power of doing any Act needfull for that end, must be in him who is supreme, and the comprehensive Head of Power to inferiour Magistrates. So that all the Question truly stated is about the other sort of Limitation, sc. *Whether Soveraigne Power be so unlimited in its Rule of Acting, that it investeth the whole Reasonable Will of him who hath it*: So that all the acts which proceed from him who hath it according to the rule of his owne Reason, be *potestative*, and from Gods Ordinance.

Secondly, having thus punctually stated the Question, the Determination must proceed in a double way, sc. 1. *In simple Governments.* 2. *In mixed Governments.* I do maintain the *Negative* in both: and my proof shall be formed accordingly. Question determined.

First then, *In simple Government, Power is not one Unlimited thing in the supreme*: But may be limited in the very being and root of it. *Assert.* 1.

1. The cause or meane by which alone it is conveyed, if it bestow or convey only a limited Power, then it is limited in the very *Being* of it. For there can be no more then is conveyed: Now we know, the people by their publike act of consent and compact, may either bind themselves to a full subjection to the Monarchs Will guided by his owne Reason; or by some constituted rule or law set him to governe by; which latter if they doe, then is his Authority radically limited: For they owing no more subjection; He can have no farther Power. *Reas.* 1.

2. If soveraignty may be so limited, that Active Obedience is not due to the commands which exceed those limits, but may lawfully be denied to them (as the Doctour acknowledges it may, *p.* 16.) Then it may be limited in the Power it selfe: For in such case the Power *Reas.* 2.

exceeds not the limitation; for if the exceeding Acts were *potestative*, we owe Active subjection to them, in as much as they are the Ordinance of God, to which *in omnibus non prohibitis*, Active subjection is due.

Reas. 3. 3. If Power in the supreme be such, that it cannot be limited, then either because it is *Gods Ordinance*; or else because it is *supreme*: but its being *Gods Ordinance* hinders not; for we see, *Rom.* 13. All Powers as well supreme, as subordinate are Gods Ordinance, yet subordinate Powers may be limited, not only in the *Rule of Acting*; but in the *kind of Acts*; as none can denie. Neither its being *supreme* doth hinder its limitableness; indeed, as before it hinders it from being capable of confinement, in the *kind of Acts*: but *in the measure or rule of working*, it doth not hinder, in as much as a Soveraigne Power may as well attaine its end, by being confined to another Law from without, as by the Law of its own Reason, if not much better; also we no where finde Gods Word making any difference or giving power to confine subordinate Powers; but forbidding it of Soveraignes.

Reas. 4. 4. That is to be granted, which denied makes all Soveraignes arbitrary, and of equall Power; but to affirme that Power is one, unlimited, and investing all the Acts of the Soveraignes Will doth so, for then is soveraignty arbitrary, not when it hath no *morall* bounds, for then none were or could be arbitrary; but when Power is so fully in one that every Act of his *Arbitrium* or Will is *Potestative* and soveraigne.

Reas. 5. 5. I have the judgement of all the Reformed Churches and Divines in *Germany*, *France*, *Belgia*, *Scotland*, on my part; who have both allowed and actually used forceable Resistance against subversive Instruments of their Soveraignes Will; yea our owne famous Princes *Elizabeth*, *James*, and our present *Soveraigne*, both by edicts, and Assistance have justified the same: which they would not have done, had they been perswaded of such an unlimited Ordinance of God investing all the Acts of the Will of him who is supreme. So that by all this it appears that the Doctors conceit of such an unlimited Ordinance of God, which he brings not a tittle of Gods word to prove, is a meere *chimera* and groundlesse conceit.

Objct. Now the onely difficulty, which I can thinke on, is this. Gods Ordinance in soveraignty, as before, is not onely *Power* to such an end; but *sufficiencie* of Power to the effection of that end: now a limited Power seemeth not to be sufficient for the end of Government, because there are two Powers necessary to the end of Government, *sc.* Power

of

of *making* and authentique *Interpreting* of Laws, which are not consistent with a Limitation of Power.

I answer: It is true of Limitation in respect of *Acts*; and therefore I averre, that such a Limitation cannot be where Power is *supreme*: but for Limitation to a *Rule* and defined way of Working, I cannot see how it with-stands the end of Government: So that supposing Power of *making* and *Interpreting* Laws be necessary to the end of Government, yet that they be Absolutely resident in him who is supreme, *sc.* To *make Lawes* and *Interprete* Lawes authoritatively without being bound to follow any Light or Rule therin, but his owne Reason is not necessary to the end of Government: In these Acts a *regulated* Power is enough in the *most simple State*, sc. a Power to *make* new Lawes, if any be needfull; and *Interpreting* the old, if ambiguous, according to the Rule of the former established Laws; and by the advise of his learned Counsell and Judges of his supreme Courts of Justice. We see in matters spirituall, there is no Legislative Power resident, to ordain or give authentique sence in matters *de fide*, yet the Church stands well enough; one standing Rule of Scripture being sufficient with a *ministeriall Interpretation*. So it is probable a State might, by a complete standing Rule of Law, and a Ministeriall Power of Interpretation, were there no Legislative Power resident in any Supreme Magistrate thereof. *Sol.*

But the matter is farre more cleare in a *mixed Government*; so that were it necessary in a *simple* Government, that the Supreme should be unlimited in his Power, yet in a *Mixed* (which is enough for us in this Kingdome) evidently it is not so: And to make this appeare, I will lay downe three grounds. 1. Such a Government may be established that the supreme Power may be placed in many persons, either of the same, or divers condition, that is, in a mixed Subject: else all formes were unlawfull except simple Monarchie. 2. If this supreame Power be inequally placed in these Persons or States of men; so that a reall sublimity and Principality be given to *one*, then the denomination may be taken from that Principall: and so it is a Monarchy, or Aristocracy, or Democracy *mixed* in the *Power it selfe*; however it pleaseth this Replier to deride it, with *the top*, or *Crowne of the head*: of which more hereafter. 3. Where the Supremacy of power is thus in many, although all taken together have an unlimited Power, as in ours, yet neither of them severall by himselfe hath, or *Assertio.*

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can have; for it is a contradiction, that it be resident in *many*, and yet unlimitedly in *One*.

Now to those two shewes of Argument, which in the beginning I produced out of this Reply, I say, before Government be established it is true the people have no *formall Politique Power* of Life and Death; yet they have a *seminall*; that is, every one for himselfe, his family and posterity hath a power of resigning up their naturall liberty, to be governed by One, or many; after this or that forme as they shall judge fittest. God ordaining that Powers should be to such an end, hath thereby legitimated and ratified any Consent or Contract which people may make of parting with their liberty and giving Magistrates a common Power over them to that end. And Gods not prescribing any *Rule* or *Measure* of Power by his Ordinance of Authority, hath left it in the peoples liberty, to resigne up themselves according to such Rule and Termes, as they judge fittest, so it be such as the end of his Ordinance may be attained thereby. Thus although by it selfe, and excluding Gods Ordinance they have no immediate Power to lay a command on others, nor Power of life and death, yet in vertue of Gods Ordinance their common consent and contract is sufficient to set up such a Power which is endowed with a sufficiency of Command for *Government* and the *end of Government* over those which have, each man for himselfe and his, set it up. So although *second Causes* have no Power by themselves to produce their effects, yet working in vertue of the *first Cause* they have Power to produce effects, sometimes farre beyond their own Measure. Therefore I desire this Doctour either to bring some *Ordinance of God* expressely forbidding to set any *bounds* or *Rule* of Power upon the *Will* of the Magistrate; or else let him suffer Man-kind to use their *Right* in resigning up that liberty which God and nature hath given them upon such termes and conditions as they apprehend best for their own good: and the due end of Government.

Summe. In the close of this Question, I will lay downe three Conclusions concerning the *Ordinance of God*, and *the Nature of Soveraigntie*.

Conclus. 1. *God hath ordained that in Societies of Men there should be a Politike Power, for a peaceable and godly life*: This Ordinance hath put a *Seminall Power* in all the Societies of Men, &c. a Liberty and Power by common Consent to resigne up themselves and theirs to one Supreame; thereby constituting a *common Politique Power*.

2. *God*

2. *God in his Ordinance for Government having not determined any kind or forme of Power; hath left it to the libertie of Societies of men to choose to which kind they will resigne up themselves,* either to a supreme regulated in the Acts of his Will by his *owne Reason,* as in absolute Government; or to one regulated by a *Common Reason* or Law constituted by publike consent, as in Limited. Conclus. 2

3. *God in his Ordinance for Government having not determined the subject of this Power, hath left it to the choice of Societies to invest With this Soveraignty, either one Person or many, and those either of the same, or divers sorts and rankes of men*; Whence arise simple or mixed Governments, and this is the *Architectonicall Power* left in societies before they are engaged in a Government, which the Doctour doth so causlesly deride: Here is the summe of what I do averre concerning *Gods Ordinance in Soveraignty,* which I challenge the Doctour or any else to gain-say. Conclus. 3

The second sort of the Doctors false suppofals respect the *Nature* and *Quality of Limitation,* where also I observe that he proceeds on two falte and fallacious Principles, *sc.* 1. He every where confounds *Morall* and *Civill* or *Legall* Limitation, so *p.* 18. 93. 39. 2. That Soveraignty is capable onely of a *morall* Limitation, *p.*39,42., So that if any other be in any State ordained, *He cannot beleeve but such a condition is unlawfull, and unreasonable against the Order of Government. p.*39. If the nature of *Limitation* be well knowne, it will appeare that the Doctor hath done very inconsiderately, or rather very fraudulently (for he hath obscured the Truth much by it) in confounding *morall* and *Civill Limitation.* We will therefore consider the nature of *Limitation* something more accurately then I have done in my former Treatise; for it will be a great light to the whole controversie. Sect. 2. Of nature and Quality of Limitation,

First, We must consider a distinction of Power, which is either, *A simple Power of Willing* or Doing, which is in every Morall Agent. 2. A *Power of Authoritative* and *obligatorie Willing* or Doing; so that an act of it, whether a *Will* of *Command* or *Censure* expressed, hath in it a binding power to subjection, this is that which we call *Magistracy,* of whose Limitation now we treat. Pos. 1.

Secondly, concerning *Limitation*; we must know that it induceth an absolute *necessity* of not producing any Act beyond those Limits. For a Power having bounds beyond which it can exceed, if it please, though with difficulty, it is not properly *limited,* but *bindred.* 2.

3. Thirdly, This *necessity* of not exceeding those bounds is such as the *bounds* themselves are; so that it is ever true, *That a Power in What Way it is limited cannot exceed those limits.*

4. Of Moral limits. Fourthly, There are of this Power but two sorts of Limits, *sc.* 1. *Morall*, and 2. *Civill* or Politique. Of which two we must distinctly consider. 1. *Morall Limits* is the Morall Will or *Law of God*; and a Power is said to be limited by this, not when it cannot produce any Act at all: but when it cannot *morally* produce it, that is, *Without sin.* For the supervening of a morall bond, doth not take away the *Power of doing*, but of right or *sinlesse doing*: *v. g.* in *Naturall Powers.* Gods prohibition of eating Swines flesh, did not take away from the Jew the naturall Power of eating it; but the power of sinlesse eating it. So in *Civill power* a prohibition of God comming upon it, doth not take away the Power of *Civill* and Authoritative *Doing*; but of lawfull, or sinlesse doing. And hence it followes, 1. That Morall Limitation is only of the *Exercise* of Power; not of the *power* it selfe: for the power is not thereby taken away, but remaines equally extense and able to all its acts, as it was before; only now it cannot put forth it selfe unto certaine Acts without sinne, which it could before: Thus an *Absolute* Monarch who hath a power of doing, as extense as his Reasonable Will, promises to doe but this, or in this manner: now he is *morally bound*, by vertue of this promise; and cannot without sinne doe otherwise: yet if he doe, his Commanding Power is the same, and its act binding to the Subject. And so it is proportionably in *Legall* Governments. *Cyprian* Bishop of *Carthage* hath by the Canons a power of judging Ecclesiasticall causes committed to him: He resolves and promises to doe nothing of moment herein, but by the consent of his *Clergie*, now he is *morally* bound: and if afterward he doe a thing by himselfe without their consent, he sins: yet no man will say his Episcopall power is lessened; or the act he so doth, is canonically *invalid*, and not obligatorie. 2. Yea it followes also that it is not properly a Limitation of the *Exercise* of power neither: for by a morall bond, the Power is not so bound up, but that it can *exercise* it selfe, and that validly too, though not without sinne, as appeares before. 3. Also that it is no detraction from *Absoluteness* of Power; nor is it sufficient to make a distinction of it into *Absolute* and *Limited*. For, 1. It causes no reall Limitation of power, either in the nature, or exercise of it. 2. It is not *distinctive*, being to be found in the

the most absolute power under heaven, all being bounded by Gods Law, the Law of Equity, and many promises by themselves made. Legall Limits.

2. *Civill* or *Legall Limits* cause a *Civill* and *Legall* definement of Authority, so that, its exceeding acts are not *Legall* and binding, that is, are *non Authoritative:* for as a *Morall* bond induces a necessity of confinement in *esse morali*; so a *Civill* and *Legall* bond doth in *esse legali & obligatorio.* Hence follows, 1. It is these *Legall* and civill bounds which constitute a Government in a limited condition, not those *morall*; for this is *distinctive* and is never found in an absolute Governement, for there the Soveraigne by promise or Oath binding himselfe to a stated course doth put no Law civill upon his power, or the exercise of it; for though he sinne in exceeding afterwards, yet his acts are truely Legall and Authoritative. 2. This induceth a reall Limitation of power, neither can it be only of *exercise*; for sith it brings an illegality and unauthoritativeneſse on acts exceeding, that is, makes them none *in esse civili & politico*, it is a limitation of *Power it selfe*; for when a Power can produce no potentiall acts beyond such limits, then it is limited in the very being. 3. *Acts exceeding politique and legall Limitation*, being not Legall nor authoritative in that State can give no authoritie to the Instruments, and therefore they may be resisted without resistance or violation of Authoritie. Whereas it is otherwise in *Acts exceeding morall Limitation*; for being authoritative, they authorize the Instrument, and give him an unresistance.

In summe: Limitation morall and civill or legall doe differ in three main particulars.

1. *Morall*, sith it is no politique or Authoritative Act, makes no reall detraction either in power or exercise of it, and therefore agrees with the most absolute Government: whereas *Legall*, being a politique and authoritative Act makes a reall diminution; and so is the *ratio formalis*, or *distinctive conceit* constituting Limited government; nor can be found in absolute. Conclus. 1

2. Hence, *Exceeding Acts* notwithstanding *morall* limitation are authoritative, proceed from Gods Ordinance, and challenge subjection: but they are otherwise which *exceed* a *legall* limitation. Conclus. 2

3. *Exceeding* Acts in *morall* limitation being authoritative have the Sword or compelling power annexed to them, which may not be resisted: but in *Legall*, being not authoritative, they have not the sword or compelling power annexed, and therefore may be resisted in their Conclus. 3

Instruments: I will illustrate all this by a familiar instance. In our Government, a Iudge hath a Commission to heare and determine Causes according to the Verdict of twelve men. Here is a Power limited in the very being, that is Legally and Civilly. This Iudge useth indirect meanes to corrupt the Iurie to bring in an unjust Verdict; but judgeth as his Commission binds him according to their Verdict: Here is a *morall exceeding*, yet the Act of judgement is Authoritative, because according to his Commission, and must not be resisted. Againe, He passeth sentence in another cause expressely against the Verdict of the Iury, in an arbitrary way. Here is a *Legall exceeding*, and the sentence is *non authoritative*. He having no such Power committed to him, the sentence can have no binding power in it. Hereby it appeares how without any ground of Truth, the former suppos'als are.

Sect. 3. Causes & meanes of Limitation.

Thirdly concerning the *Causes* and *Meanes* of Limitation the Doctors suppos'als are, 1. That *Radicall Limitation*, that is, of the Power it selfe requires *an expresse and notorious act, it must be done in the beginning and at once*. p. 15. 24. 39. 2. *That a Prince may so limit himselfe, as not to require to be actively subjected to, and yet be limited only in the exercise, not in the power it selfe*, p. 16. 3. *That no Limitation by after condescent, is of the Power it selfe*, p. 28. this being a consequent from the first. Now that the falshood of these and the like grounds every where scattered in his bookes may appeare; Let us a little more diligently handle the *Causes* and *Meanes of Limitation*, which, as before, being twofold, Morall and Civill; We will begin with Morall.

Causes of Moral Limitation.

1. Now the *Formall cause* of a meere *Morall* Limitation, is that which morally bounds or makes sinfull any act of Power. We are therefore to enquire what it is which can doe that. And this is, 1. Principally the *Morall Law of God* forbidding such an exercise of Power. This is an *universall, perpetuall* and *invincible* Limitation of all power of Government, either absolute or legall, yea of all Active Power of reasonable creatures. 2. There is another meane of Limitation morall, *sc.* a *Promise, Oath* or *positive constitution*, whereby a Prince puts a bond upon himselfe, making that now sinfull to be done, which before was not so. This also induces a *morall* Limitation, as well in *absolute* as *legall* Governments; as if an Absolute Monarch promise to follow such a *Rule*, which hath a Power to use any which his *reason* shall dictate. Or if a *Legall* promise to abridge himselfe in a course, in which the *Law* hath

hath left him indeterminate: in this reſpect, they come under a *morall* limitation. But concerning this *poſitive meane* we muſt note. 1. This promiſe, how ſolemne ſoever it be, muſt be a *ſimple* bond: It muſt extend to no *diminution* of power, or *diſcharge* from duty of ſubjection; for then it is not meerely morall, it makes the exceeding act not only ſinfull, but non obliging: whereas it is the note of a *meere morall bond*, that it extends not to any leſſening of Authority, or diſcharge of duty: as if a Captaine take his enemy priſoner; he to ſave his life ſweares him a full vaſſalage afterward, his Maſter promiſes to command him only ſuch ſervices, never abſolving him from his former bond of abſolute ſlavery: here is a *morall bond*; yet ſtill a full debt of ſubjection in caſe the Maſter ſhould breake his word, and put him on other employment. 2. If the matter be more throughly looked into, this *poſitive meane* of limitation is either none at all; or elſe addes nothing to the former, of the *morall law of God*: For in ſuch *promiſe* or *Oath* whereby a Governour limits himſelfe there is an *expreſſe* or *tacite* condition, if it conduce to the end of Government, the glory of God, and publick good: For if ſuch Oath or bond hinder the end of Government, it is *eo nomine*, unlawfull and invalid; but if conduce to it, then it was no more, then was virtually required of him before by the morall Law; this *promiſe* or *Oath* being but a more ſolemne profeſſion and proteſtation to doe that which before implicitely he was bound morally unto. Thus we ſee all that Doctor ſpeakes of. *Morall* and *irrevocable limitation* by promiſe and oath comes to nothing in the iſſue: ſo that this being granted that the Monarchs power in this State were only Morally limited in the Doctors ſenſe; We are as much under and owe as much ſubjection as the captive ſlave to his Maſter; and all our Laws and Statutes being but morall limitations of this ſecond ſort, are not ſo much as *morall limitations* any farther then the Prince ſees them conduce to the *end* of Government, if any ſeem to ſtand in his way, and hinder him therein, he is no longer bound to it; but may account it an ill made *promiſe* or *Oath* which is better broke then kept. 2. Of the *Cauſes* and *Meanes* of *Civill* and *legall limitation*, whereby not only the *exerciſe*, but the *power* it ſelfe is confined. 1. The *formall cauſe* hereof is the limitation of the *duty* of *ſubjection* in the people: The *duty* of ſubjection is the originall of the *power* of Authority. People by becomming debtors of ſubjection doe ſet up Authority; and by ſtinting and terminating the duty of ſubjection doe put bounds and termes

Cauſes of Legall limitation.

to the power of commanding. 2. Let us see then by what meanes the duty of subjection may be terminated. I conceive it may be done two wayes. 1. At first, when a people resigning up themselves to a state of subjection doe it not absolutely, but impose only a limited bond on themselves; for if they impose no more *duty*: the Governour can assume no more *power*. Now this may be done, not only by *positive*, expresse and notorious act, as the Doctor speakes; but also by a *negative*; a meere not imposing of an absolute bond of duty on themselves is enough: so that if it cannot be proved either by *records* of the first institution, or *present obligation* that a people have put themselves into a state of *absolute* subjection, then it is to be held but *limited*: For whatsoever is ours by the *law of nature*, cannot be taken from us but by some *positive act* done by our selves or Ancestors: Thus in private men; Liberty which is mine by nature, none can take from me, unlesse he can bring a title or right whereby it became his, and I his servant. Nor am I any farther his servant, then he can bring proofe of his right. The same is true of a society of men. In this case it belongs to the *challenger*, and not to the *defendent* to bring his *positive notorious act* for proofe of his title, and measure of his title: So that the Doctors demand is unreasonable, who standing for a full right in our Government, puts on the peoples part to bring evidence that they have not. Rather it is just, that he should bring some positive and notorious act wherein it appeares that this people have fully resigned up their liberty to an absolute Government; or make it appeare that it is Gods ordinance that where ever a people doe constitute a soveraigne power, they must make an absolute resignation of their liberty. 2. By after-condescent, for this may be a *meane* of *civill limitation*, unlesse any will imagine that a people once putting themselves into absolute subjection, are irrevocably so. And thus a Monarch becomes *limited*, when the *promise* or *Oath* he limits himselfe by, is not *simple*, but amounts either expressely or equivalently to a *relaxation of the bond of subjection*: whether it proceed from meere grace, or conscience of equity, or by Petition, or importunity of the people, it matters not what was the ground of it, if it carry with it a *relaxation of the dutie of subjection*, it is a *meane* of *civill limitation*, in the very *root* of *power*; for *power* can be no larger in the Prince, then *duty* of subjection is in the people; for these two have a necessary dependence, and *relation of equality* either to other. Thus if a Monarch, taking advantage of force

force of armes, impoſe a new Oath of *full ſubjection* on his people, who before were but *legally* bound; and prevaile ſo farre, that the *whole* or *major part* of his people doe take it for themſelves and theirs, here is a *chang* of Government from *Legall* into *Abſolute*, an enlargement of power: ſo on the contrary. And for this matter we need looke no farther, then the *Nationall Oath*, or *Eſtabliſhed Lawes*; for if they bind the people to an *abſolute ſubjection*; ſuch is the power; and though it have morall, yet it hath no legall limitation: And ſo on the contrary if they bind only to a *ſubjection according to the Law*; the Government is limited in the very *power* of it. Hence it appeares to be falſe which the Doctor hath, *p.*16. that a Monarch may ſo tye himſelfe as *to require not to be ſubjected to but according to ſuch Lawes*, and yet not be civilly limited, in his very power; for if he ſo far *require* not to be ſubjected to, that he untye the bond of ſubjection beyond thoſe Lawes; then is his Authority limited, and can proceed no farther; neither are the inſtruments of his will exceeding thoſe lawes, authorized, but private perſons, and reſiſtible: And alſo falſe, which he ſayes, *p.*28. *That limitation by condeſcent cannot be radicall.* Now if enquiry be made concerning the *ſimplicity of antient formes* of aſſuming into ſoveraignty, as when the people are ſaid to make one King; to endue him *indefinitely* with Kingly power; not confining his Government by any expreſſe limitations. *Anſ.* I conceive in ſuch caſe to know how far a people are bound by ſuch an *indefinite contract*, theſe things are to be looked into. 1. If the *intent* of the people can be diſcovered in ſuch a conſtitution, for if it can, doubtleſſe the contract binds ſo far, and no farther. Thus *Lyra* concludes concerning the requeſt of the people of Iſrael for a King, that it is to be underſtood of an Abſolute King, by that clauſe in the petition, 1 *Sam.*8.5. *a King to judge us like all the Nations*, for all thoſe Eaſterne Nations having Abſolute Monarchs, they deſiring to be governed like them; muſt be conceived to intend ſuch a government. 2. If there be no expreſſion of their *intention*: then a light concerning it muſt be borrowed for circumſtances; *ſc.* the kind of government whereunto they have been formerly accuſtomed; or that of the Nation from which they proceeded: And thus the *Saxons* giving Kingly ſtate to their Captaines in this Land, cannot in reaſon be interpreted to intend any other, then that whereunto they were *accuſtomed*, and which was the *forme* of the Nation whence they came. This *Rule* is ever to be kept as well in publike,

like, as in private contracts of that simple indefinite forme, that *they are to be construed, as far as may be, in favour of the granter.*

CHAP. V.

An Answer to the Sect. 4. *concerning the Constitution of this Monarchy.*

Sect. 1. A Fourth sort of the Doctors *supposals* are concerning the *Constitution* of this Monarchy, which in words he granteth to be *limited* and *mixed*, but comming to explaine himselfe, he makes such a *limitation* of it and such a *mixture* as is indeed none at all, being to be found in the most Absolute and simple governments in the world: for he every where supposeth it limited only *morally in the exercise*, not in the *power*: And so mixed, that there is but one *simple power*; *a mixture made of one simple principle*, such a one as never was heard of in the world before. And this he delivers on his bare word, never bringing any proofe of it, thinking it enough if he can except against that which I have set downe concerning these things in my Treatise. Among other Assertions which I have there about the state of this Government: there are two which this Replyer doth oppose. One is p. 31. *That the soveraignty of our Kings is radically and fundamentally limited:* which I have made good by five Arguments, and added a solution to the two chiefe which may be made against it. The other is, p. 39. *That the Authority of this Land is of a compounded and mixed nature in the very root and constitution of it.* This I have confirmed by three Reasons; and have answered three Objections which may be made against it. Now I desire the Reader impartially to weigh what I have there said; and to compare it with this Doctors Reply; and then judge whether those truths stand not firme against all that is brought to infringe them. But let us see what he opposeth. He proceedes not in any orderly course, to set downe his *Antitheses* and prove them; and to give Answer to what I have brought on the contrary; but first spends some time in considering what this Government was in its *Originall*; as if it must needs remaine still such as it was at first; and could not receive any alterations, and graduall accomplishment in processe of time. And then he sets on my Arguments, but how feebly we shall easily discover.

Here the first thing I did tax in the Doctors booke, was that he affirmed things contradictory: for *he tells us he is against Absolute power*

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in our Kings; and arbitrary Government: And yet he also affirmes, *that our Kings hold by right of conquest, yea of three conquests.* And that the *Houses of Parliament* are more subject to our Kings, then the *Senate of Rome* was to their Emperours. Also that *the finall judgement is in One.* Now how these so openly contradictorie Assertions can stand together he doth not shew us. Only *he challengeth my ingenuity, if either he proposed this as a conclusion to be proved, that our Kings are absolute,* p. 21. Neither doe I affirme that he did: Only I say, he holds things contradictory; that he holds such grounds which make all Kings absolute, *sc.* that no *supreme* is or can be more then *morally* limited. Indeed he speakes much of limitation morall; of limitation in the exercise of power; this makes a great noise of *limitation,* but indeed are but meere vailes to cover over Absoluteness, and make it the more passable, which he is ashamed to propose to the world in expresse termes. Suppose he did not *mention those conquests to win an arbitrary power to the King.* Yet sure in affirming more then once, that he hath such a right, he doth as much as if he said he may use an arbitrary power if he will; for if he hath a *right of Conquest,* he hath an *Arbitrary right,* by the Doctors own confession, *p.* 22. and if he hath a *right of Arbitrarinesse,* it is his lenity he doth not use it. In the Answer to the first Argument which I brought for the Absoluteness of our Kings (which was that *They hold by conquest, and therefore are Absolute.*) I do not say, the Doctor drawes such a *conclusion:* No; but he layes down the *Antecedent*; and then any body else may draw out the conclusion.

Originall of this Monarchy.

I fetch not the root of succession, so farre backe as the *Saxons,* as this Replier traduces, *to cut off advantages which may be made from the Normans entrance,* p. 22. But because himselfe began there to make up a *Trinity* of *Conquests:* This drew me on that discourse of the *Originall* of this Monarchy; nor that the cause had any need of it; for it is his work to prove the Government absolute, if he will have it so; also suppose it were as absolute as the *Norman Conquest,* by him improved can make it; yet that hinders not, but that it may become really and radically limited afterward, by *condescent,* as appeares in the former chapter. Concerning the *Saxon* entrance, I said it was not a *conquest, sc.* properly and simply, but *an expulsion.* He answers, *This is neither true, nor greatly materiall,* p. 22. I say, it is both *true* and *materiall:* It is *true*; for all the *Britaines* which retained their name and Na-

tion, were they many or few, were expelled into *Wales*: All the rest *in gentem, leges, nomen, linquamq; vincentium concesserunt*; as himselfe cites for me out of Mr *Cambden*. And it is very *materiall*; for if they which only remained here *in gentem & leges vincentium concesserunt*; Then the Conquerers, as I said, kept their *old forme of Government*; the *Saxons* came not into the condition of the conquered *Brittaines*; but they into the old liberty of the *Saxons*. Hereupon grew there a necessity of inquity into the Government of the Nation, before they came hither; that so we might know what a one they established here; and brought the remaining *Brittaines* into. And a record of more unquestionable authority then *Tacitus* I could not imagine; nor a more expresse testimony for a limited forme in the very *potestas* of it; of which sort he affirmes the Governement of all the *Germane* Nations was. How ever the Doctor is pleased to call it a *conjecture*, a *dreame* and *uncertainty*; No, the expresse testimony of such an Authour is not so: Rather that *probability* of these *Saxons* not being then a people of *Germany*, but did afterward breake out of the *Cimbrica chersonesus*, is so; which himselfe dares call no more then *a probability*. I say, 1. It is a greater probability, that they were a people of *Germany* before they came in hither; for the *Angli* which accompanied them in that invasion, were questionles *Germanes*, and reckoned by *Tacitus* among that people; doubtlesse they were neighbours in habitation which were joyned in that voyage and conquest. 2. Suppose the matter were not cleare of the *Saxons*, yet is it of the *Angli* which gave denomination to the Land and people, who no doubt retained their Lawes and Government, sayes *Cambden*; which was *limited* in the very *royall power* saith *Tacitus*. But this Doctor would make men believe, as if I endeavoured to deduce the very *Model* of our present Government from that *Saxon* ingresse: Whereas all that I ayme at, is to make it appeare that *in semine*, in the *rude beginnings* it is so ancient; and shall affirme the limited power of the English Kings, and liberty of the subjects to have been from thence continued till now, unlesse he can bring some better proofes of its interruption, and induction of an unlimited power, then as yet he hath. Also to shew that the Doctors Tenure by Conquest is vaine in the first of the *Three*, for the *Saxons* gave none such to their Princes, but kept their Lawes, and came not under the Title of a conquered people. Next, the Doctor censures my delineation of the present platforme of our Government,

p. 44.

*p.*44. (for it is nothing with him for advantage to skip over 9. or 10. Pages) that so he might make a shew as if I set down that *modell* as derived from the *Saxons* out of *Germany*; and so spends neere two pages in this unreasonable way of traducing me; Whereas he cannot be ignorant, that in many places, yea at present is forced to confesse, *p.*24. that I acknowledge our Government came up to this exactnesse and full height by degrees and in continuance of time; but indeed he had nothing else to say against that *Description* of this *platforme* or any one of those 6. *Suppositals* of which it consists; and therefore when he had fained as if I had derived it from the beginning of the *Saxon* Government in this Land, he calls it a *phansie, against the credit of all Histories and Chronicles*, p.24. and so lets it goe. Let the Reader judge, whether I doe not there apparently set it down as a *description* of our *now existent Frame* of Government: And whether any thing therein is not according to *past historie*, and *present experience*: Yea I challenge the Doctor to except against the least part of it, as not so: if he cannot, he doth wrong so to mitcall and deride it. After this Excursion, he returnes back to the 36. page of my Book, and the proper businesse of that Chapt. which was his *three Titles by Conquest*. I looked that after his *first*, he should have made good his *second Conquest*, sc. the *Danish*, and made good what he had said, that our Kings hold by that too, as one of the three. But not a word of that for shame: He passes p.26. to the *Norman* entrance: And to prove that *William* held this Land by conquest, he cites out of Mr *Cambden* that *in victorie quasi Tropheum, he disposed of the Lands of the Conquered, changed their Tenure, abrogated what English Lawes and customes he pleased*, &c. Indeed when he had gotten full possession, he did what he pleased; but *factum non probat jus*. I have proved, and the Doctor hath not gainsaid, 1. That his *Title* by which he claimed was *a successive and Legall Title*. 2. That this *Title* got the favour of a great party, and was *a maine Meane* facilitating his acquirie. 3. That he was *inaugurated by virtue of that Title*. 4. After he had gotten the Kingdome, though he did many things arbitrarily, yet *he setled himselfe and his successours in the state of Legall Monarches*, as the Doctor confesses, *p.*27. What then is become of his *Triple Tenure by Conquest*; when heres not one can be made good; when it comes to a due scanning? That of Mr *Cambden*, that the Kings of this Land have *Potestatem supremam, & merum imperium*, is no more then that of the *Statute* which

the Doctor speakes of, p.47. that it is an *Empire governed by one supreme head*, which we acknowledge; for that *merum imperium* must be understood in a moderate sense; else it sayes more then the Doctor himselfe professes to own: Though Mr *Cambdens* judgement in this case is not of the authority of a proofe.

Sect. 2. My Arguments for Limitation and Mixture vindicated.

Then he passes to my Arguments, p.28. But, by the way, let me tell him, I brought 5. Arguments to prove this Government *limited*, and 3. to prove it *mixed*: and it had been meet he should have brought somewhat, beside his bare word, to prove it limited only in the *exercise*, that is, *Absolute in the power*; but he brings no proofe, because he had none: Yet perhaps though he had not wherwithall to *confirm* his own, yet he hath to *demolish* my Assertions: Let us see therefore his *solutions* of my Arguments. But before we come to weigh them, because he tells us p.28. *it were an Argument fit for a skilfull Lawyer to labour in, and slights* my endeavour because I bring not History and Antiquity, but doe goe about *to reason him into a belieſe of those Assertions*, Let me premise something concerning that course of proving them. 1. The work of bringing *History* and *Antiquity* doth belong to him who affirmes such a Title of Power in our Kings; Let him shew how and when it was conveyed to them: He which challenges a right to that which was once undoubtedly mine, must prove his right and he can have no more then he can bring evidence for. 2. On his defaut, if I undertake a needlesse office to prove my *Negative*, there are but two wayes imaginable to doe it, one is by *records of histories* setting out the *first constitution* of a state, and the *Termes* on which the people resigned up their liberty to a subjection. So in the Antient *Romane* State, the *Venetian*, the late *Belgik Union*, and others which have at once, visibly and lately been composed, it is likely that way might be taken. The other is by *demonstrative collections* drawn from the institution of the present composure of a State. Thus alone is it possible to discerne and prove the *constitution* of a Government which springs not up at once, but by unseen degrees and moments, whose fundamentall constitutive acts stand upon no record. This is the condition of most Governments in the world which have sprung from small, rude and unknown beginnings. And of this in particular. For 1. A limitation of Royall Power was brought hither by the *Saxons* and *Angli* our Ancestours, hath been proved. This was, as those times were, very *rude* and *unpolished*, it is likely such as *Captaines* in Armies have,

have, who can doe nothing of moment without the advise and consent of the *Counsell of Warre*. 2. This Limitation of Power and Libertie received some more *formall* and setled bounds afterwards by *customes* and *Lawes* before the Conquest, as appeares by the *Common Lawes*, which are, as it were, the *basis* and *foundation* of this Government, the *Statute Lawes* being but after *superstructives*; These *Common Lawes* did not grow up at once, but by degrees, and were *unwritten Customes and Usages* gaining authority by unknowne prescription, above all written Lawes; and were afterward committed to writing by men skilfull in the Lawes. 3. At length, and after the Conquest it was perfected to this *Parliamentarie Forme*; and even this being at first but *rude*, grew to this *exactnesse* by length of Time, and infinite Contentions. This latter way only being left us; that I took, and the Doctour hath no cause to despise it. For when a thing of *present State* is made evident by Reason drawne for palpable experience of it's present composure, it is madnesse to denie it to be so, because I cannot tell when it began to be so: Yea when the Question is of *present state*; it is a surer way to find out the Truth, then by records of its Originall constitution: For in time the Frame of a State may receive reall variations from what it was at first, as the *Romane State*, and most others have done; for the contracts of men are at pleasure alterable; and an argument drawne from Monuments of first coalition, would then be fallacious.

Well; be the way never so justifiable, which I have taken, yet the Doctor *dares pronounce my Arguments insufficient to cleare What I have undertaken*. Tis easie to pronounce it; let us see how he makes good his sentence. I proceeded distinctly first to lay down my Arguments proving *Limitation*, p. 31. Then those which proove *Mixture*, p. 40: He mingles them together: And to my first, third, fourth and fift proving Limitation, Answers that *They prove only limitation in the exercise of power*, p. 28. Why so? *Neither the Denomination of Liege, nor any prescription can make us believe, that the Limitations of power had any other beginning then voluntary condescent*. As if a Government *by voluntarie condescent* might not receive a *radicall Limitation*. But it lies on him to proove, it was by such *condescent*; if he can bring no record for it, it must in justice be held *originall*, and *ab initio*. Those two denominations of *Liege Soveraigne*: And *Liege people* doe prove the very *Soveraignty* and *Subiection* Legall; but that is not so which hath on-

ly a morall Limitation; the denominations argue the *bond 'twixt them to be Legall:* And when Subjects have such a Libertie by custome and Law, that they owe no farther subjection, then (when, or how ever they came by it) yet the very power of the Monarch is limited, as we heard in the former Chapter, unless any will put a vaine power in the Prince, to which no Subjection is due; but of this enough there. Then he passeth to my *Reasons* proving *mixture*, which are three, *p.*40. of my Treatise. The first is, *That it is confessedly mixed of a Monarchie, Aristocracie and Democracie, therefore radically, and in the very Power.* He answers, *It is not necessarie the mixture should be in the Power: but it is sufficient if there be a concurrence of Persons whose consent is required to the exercise of Power,* p.29. Thus he answers to the conclusion; but sayes nothing to the Antecedent. 1. And indeed if it be mixed of these three, his answer is against *common-sense*; that a *mixture of Monarchie, Aristocracie* and *Democracie* should be satisfied by annexion of persons to the Monarch, having meere consent: for these are *names of Power of Government*; for *Aristocracie* and *Democracie* are *Powers* not *Persons*, as well as *Monarchie:* therefore a composition of these three must be all of *Powers.* 2. And indeed this *chimera* of a *mixture in the exercise of Power*, is plaine *non-sense.* For a mixture in the *Acts* or Exercise supposeth a mixture in the *principles of Action*, that is in the very Powers: A *mixt Act* proceeding from a *simple Power* is such stuffe that I never heard before. Now if a *mixture in Acts* argues *a mixture in Powers*: These *Powers* must be *coordinate* and supreme: for *subordinates* make no *mixture*; also Powers concurreut to supreme Acts, such as *Legislation* is confessed to be, cannot be but supreme Powers. Neither can any man living cleare that passage which he speaks of *p.*45. from *pure non-sense*, sc. *This coordination is but to some Act or Exercise of the Supreme Power, not in the power it selfe:* For *Concurse* to an Act, im lies a *Power of Concurrence:* and *Concurse to a supreme Act*, argues *a supreme Power*; for an inferiour Power cannot afford a coordinate concurrence to a supreme Act. So that his Over-seers were not mistaken when they checked him for that passage, and said, *He granted a coordination of Subjects with his Majestie in the supreme Power.* But here he brings a ponderous Reason, so often before urged. *If the mixture be in the Supremacie of Power, how can the King be the Only supreme and Head. He cannot salve it with his* Apex potestatis, *unlesse the King must be the Crowne or Top of the Head*

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onely; for they also must be our Head and our Soveraignes, if they be mixed in the Supremacie of Power, p. 29. Here I answer once for all to this so frequent an injection. 1. That the Titles of *Head* and *Supreme* are fully satisfied by this, that he is the sole Principle and fountaine from whence the execution of all Law and Justice flowes to his people by inferiour Officers and Courts, all whose Authoritie is derivatively from him as its head. 2. That these Titles in proper construction import only *Utmost chiefty*, nor doe they agree to any kind of right in the fundamentall and radicall Powers of a Kingdome; but to the principall and transcendent Interest: Another may have a right in the supreme Power, yet not be *supreme*, nor *Head*: because not having a supremacie in that Power: So it is in the *Colledges*, the *Fellowes* have a fundamentall interest in the power of Government, yet that hinders not, but that the Titleof *Head* and *Chiefe* is given to him who is Governour; will the Doctour jest at it, and say they be *Heads* and *Supremes too*, and the *Warden* or *Master* is but the *crowne* or *top of the head*. Also in the *naturall bodie*, from whence the *Metaphor* of *Head* is borrowed, are three Fundamentall and radicall powers scituate in the three Principall parts: yet none will say, the *Heart* and *Liver* are *Heads* too, because they partake the *supreme Powers* of nature. Let not the Doctour therefore straine a *Metaphor* so farre as to make himselfe merry with it. Let him really answer my Arguments by which I prove a *radicall Limitation* and mixture. Let him answer; is not the *Legislative* Power the *supreame?* Have not the *Houses* an *Authoritative concurrence* and Influx into that businesse? If he avoyd a punctuall answer hereto by carping at words, he will prove himselfe a ridiculous Argumentatour while he seekes to make others seeme so.

My second Argument for *radicall mixture*, is from the *Legislative* Power being in all three. He answers, *That Phrase is satisfied and explained by that concurrence and consent in the exercise of supreame Power.* It seemes that invention of his must serve all turnes. Is a *Legislative Power* satisfied by a bare *powerlesse consent?* I demand: is that *Consent causall* and *Authoritative*; or meerly *Consultive* and *unauthoritative?* And whereas I prove that they have an *enacting Authority* by that received and set clause in the beginning of Acts; *Be it enacted by the Kings most excellent Majestie, and the Authoritie of the Lords and Commons assembled in Parliament.* He tels us a *Vote and Power of assenting is a great Authority*, p. 29. I enquire not how *great* it is: I aske whether that

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be all; whether that clause, which as expressely as words can, ascribes an *enacting Authority* to them, be satisfied by such a Power of Assenting? He sees it doth not, and therefore tels us of a former phrase which ran thus: *The King by the advise and assent of the Prelates, Earls and Barons, and at the instance and request of the Commonaltie hath ordained*, &c. Suppose anciently some *statutes* runne under that *forme*: that *advise* and *instance*, must be understood of an *Authoritative* and *enacting advice* and *instance*; as the *latter formes* explaine it: for it is equall that the *latter* expound the *former*; and not the contrary, as the Doctor would perversly have it, especially considering the Doctors Exposition cannot stand with the *latter*; but mine agrees very well with the *former*. But how bold is this man, when during so many *yeares* and *Parliaments*, both *Kings* and *States* by this received *Forme*, have acknowledged and established a *concurrent enacting Authoritie* in all three, yet he dares argue and oppose so expresse and confessed a truth? But in this answer, he discovers a great deale of superficialnes, in granting the Houses a *Power of consenting* to the establishment of laws; and yet denie them a *Legislative, enacting Power*: for such a *Power of consenting* (if it be necessary) is indeed a *Power of enacting*; for though in *transeunt Acts* one may stand by and consent to the doing, and yet not be *Efficient*; yet in *immanent Acts* which are done, *per immediatam volitionem*, by a meere expression of the Will, A *concurrence in consenting*, and a *concurrence in doing* is one and the same thing: Now *Legislation* is an *imminent Act*, consisting in a meer *expression of an Authoritative Will*.

My third Argument for *Mixture*, was from it's *end*, which was *Restraint from excesse*. 1. He *grants* such a *Restraint*, but *morall and legall, not forceable*, p. 30. I answer, He deceitfully confounds *morall* and *legall*, as I shewed before. 2. The *End* of Mixture in a State, is that there may be a power of restreyning *more then sufficient* (as his Majestie expresses it) but the Doctors meere *morall* power, is very *insufficient*; It limits not the *Power* at all; nor the *Exercise* properly, no more then an *Oath*, or *Promise* without it, would doe: that is, makes it sinne to exceed. But of this before. But here, which is very rare, He doth not onely denie, but give a reason of it. *If the fundamentall Constitution had intended them such a Power, it would not have left a power in the Monarch to call, or dissolve them, which would make this power of theirs altogether ineffectuall*, p. 30. This Reason seemes to have some weight

weight in it, I will therefore, the more ſeriouſly conſider it. 1. Whatever ſtrength it hath had in it; now it hath none, becauſe that power of diſſolving is now by Law ſuſpended, for this Parliament; and after it, a neceſſity by Law impoſed of reducing that Power of Calling Parliaments, into Act, every Three yeares. 2. Neither was it true before theſe Acts, that ſuch a Power was left in the Monarch at pleaſure to uſe or not; for it was by ancient Law determined how often they ſhould be convocated. 3. But being granted that this Power is ſimply and fully in the Monarch, yet I denie, that hence it followes, that it would *make that Power of the Houſes altogether ineffectuall*; becauſe that *de facto*, though it hath been in the Monarch ſo long, yet it never hath made it voyd; but they have exerciſed a limiting Power, as Hiſtories relate, enough yea and ſometimes too much, over the Monarch, notwithſtanding his Power of calling and diſſolving them. Thus in the *Colledges*, the *Fellowes* have an effectuall, and more then morall limiting Power, though the *Governour* hath the Power of *calling* and *diſſolving* their meetings. And anciently the *prime Patriarch* had the power of *Calling* and *diſſolving generall Councels*, yet they had a *Power of limiting*, yea of *Cenſuring* him for exorbitances for all that. The Reaſon is, becauſe many things fall out oft in a Government, inducing ſuch neceſſities on the Monarch, that he for their ſupply will chooſe to reduce ſuch power into act of Calling, and ſuſpend ſuch power of diſſolving, although he know thoſe States will uſe their Limiting Power in reducing ſuch exorbitances, and puniſhing thoſe deareſt inſtruments which have been uſed in them. This the *Conſtituters* of this Frame preconſidering might put in the Monarch this Power, and yet intend to the other States a *Legall and effectuall power* of reſtraining his exorbitancies, by uſing *Force*, not againſt him, but it's procurers and Inſtruments. Thus we ſee, there is no need of entring on that diſpute, Whether this Power of calling and diſſolving the Houſes be placed in the Monarch, as all his other are, not abſolutely, but with limitation of neceſſary reducing it into act, on the laſt exigencies of the Kingdome.

After this he returns to my other Arguments for *limitation*; One of which, drawne from radicall Mixture, he fully omits; but now having ſhewed the invalidity of his exceptions againſt my arguments for it, I have given force to this argument for Limitation, drawne therefrom. That which he ſets on laſt is my *firſt* for Limitation in the very

Power: *sc.* the Kings owne expresse confession: *That the Law is the measure of his power:* That the *Powers which he hath are vested in him by Law*, p. 31. of my Tract. And, as if this were not more then he could answer, the Doctor addes a *third* for us, in which he ascribes to the Houses a power *more then sufficient* to restraine his Excesses, p. 30. Here are Authorities as punctuall and expresse as can be imagined. Yet the Doctor resolving not to be *reasoned into a belieft of these things*, out-faces all this evidence; and to that end frames three Answers such as they are. 1. He sayes, *His Majestie had few of his learned Counsell about him.* 2. *His gracious expressions ought not to be drawne out to his disadvantage.* 3. *All that can be gathered from them doth not come up to these Conclusions*, p. 31. In the two first he openly enough taxeth his Majestie of unadvised expressions, excusing it from absence of his learned Counsellours (you may soone imagine whom he meanes) Thus disparaging the Kings judgement and all then about him; and tels us we must not be unjust *to set those sayings on the racke*; that is, we must not take them in their plaine meaning; but on this mans wrested and senceless interpretation: What doe not these men dare doe and say? Before we heard him *correcting* the expressions of all Moderne Parliaments, teaching us to reforme them by the old. Here the *King* and his *Counsell* setting out in such a time *Declarations* to all his Subjects to informe them about the *nature* and *extent* of his *Royall Power*: He compares those serious expresses to *Trajans* sudden and excessive speech: He will correct *Kings*, *Counsels*, *Parliaments* and all, but he will have his way: To him they must come to learne how to speake, and what powers they have. But let us heare his Doctorall Exposition of his Majesties expresses. Hee sayes, *The Law is the measure of his Power:* Wee must understand *his meaning to be that his power is bounded by Law: but it doth not follow, that his power wherein it is not limited by Law is not absolute and full*, p. 31. Here is profound interpreting: If his Power be limited by Law? is there any part of it not limited by Law? If the Law be the measure of it, sure it is even with it; for the measure is equall in extent with the thing measured: Thus he *papally* interprets against the direct meaning of the Text: But he doth not shew us how that can be understood, when he saith, *His powers are vested in him by Law*, if the Law be a limitation only of *exercise*: Nor how their Restraining power is *more then sufficient*, if it be only *morall*; which, how unsufficient

ent a restraint for exorbitance it is, every ones experience can enough testifie. I admire a man who pretends to conscience and judgement should take such liberty of interpreting. Certaine if those Reasons and Testimonies doe not clearly proove a *radically limited and mixed Constitution* of this Monarchy I shall despair of ever proving any thing by way of Argument any more.

I had an intent to have subnexed other *Arguments* to make good those Assertions: but I see it is to no purpose, for he is resolved not to be *reasoned into them: He can denie all as failing either in the Antecedent or Consequent*, p. 32. The Power of this Kingdome he must have unlimited: He will give no *Reason* for it; nor heare no *Reason* against it. Yet, sith he professeth himselfe a *Resolver* of Conscience, Let me therfore be so bold as to propose certaine *Cases* to him. 1. Why in the late Oath proposed to be taken by all his Majesties Subjects the Power of *enacting Statutes* is sworne to be joyntly in the *Kings Maiestie, Lords* and *Commons in Parliament*. Certes the Doctor writ this *Reply* before that *Oath* was printed in *Oxford*, or else he did not consider of it. He cannot say, I hope there were but few of his counsell about him when that was framed: if the Doctor hath taken it, He hath forsworne this passage of his *Reply*; and sworne them a joynt enacting power. 2. Why we are enjoyned to sweare that *We doe beleeve that the Subiects of* England *are not obliged by any Act made either by the Kings Maiestie solely, or the Houses solely*, &c. Sure the Doctor hath abjured his other *Assertion* of the *unlimited Power* of the King, if he hath taken this Oath; for if Power be solely his, then an Act made by him solely is obliging: If they be not *obligatorie*, they are not *Authoritative*; and so the mixture and limitation is in the Authority it self. Here is no place left for his distinction of *Active* and *Passive subiection*. For, 1. Will any thinke that the intent is to sweare men to be bound not to doe, but to suffer? 2. The *Belieue* of a *non-Obligation* proceeds indifferently and as fully concerning the *sole Acts* of the *King*, as the *Houses* but I beleeve the Doctour will not say we are obliged to *passive subiection* to the sole Acts of the Houses. 3. I would know if the *States* doe limit onely *morally*, what they doe, which is not done without them? A *Promise* and *Oath* do limit morally without them. He will say they may admonish him; and denie their consent, and so make his Acts *invalid*: He meanes still *morally invalid*; and so would they be without them. 4. Suppose the *Monarch* minded to establish a Law,

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which he judges needfull; and the States being averse, he *enacts* it without them; Is it not a *Law?* It hath all the *Legislative authoritie* in it. He will say it is not duly made. 1. I grant it: but yet it is a *Law*, for it hath all the Power of a Law. 2. But is it not duly made? Why, the *power of last decision* is in the *King alone*: Suppose he define that the *Intent* of his Predecessours in granting this *consenting power* to the *Houses* had no intent to hinder, but further themselves in establishing good lawes; and therefore now they not concurring by assent to this needfull *Act*, He ought not to be hindred, but may lawfully doe it without them. He is the *last Judge* in this *case*; and it must be held ever *lawfully enacted*. So that in the result here is left to these *States* by the Doctors grounds neither *Civill* nor *Morall Limitation*, but at *pleasure*. 5. If Limitation in our Government exempt Subjects from a necessity of *active* Subjection; but not from *passive*; How is it that our Lawes doe not only determine what the Monarch shall *command*, but also what he shall *inflict*: what shall be accounted Rebellion, what Felonie, *&c.* and what not; also what he shall inflict for this crime, and that crime, and what not? Sith the Lawes limiting what he shall *command*, doe limit our necessity of *active Subiection*; it will follow, that the Lawes limiting what he shall *inflict*, doe limit our necessity of *passive Subiection*. Here's no evasion by saying the Laws do limit him morally what he shall inflict, and if he inflict beyond Law, he sinnes in it; but we must suffer: for the Doctor acknowledges, that the Lawes defining what he shall *command* doe so limit our active subjection, that we have a *simple exemption* from any necessity of *Doing*; and therefore also the Laws defining what he shall inflict, doe so limit our passive subjection, that we have a *simple exemption* from any necessity of *suffering*, beyond those Limitations; for also, if they did not free us from passive subjection, it were unlawfull not only to *resist*, but also to *avoid* suffering even by flight. 6. When the liberties of *magna Charta*, and other grants have been gotten and preserved, and recovered at the rate of so much trouble, sute, expence and bloud, whither by all that adoe was intended only a morall liberty, definement in the Monarch, and not also of the power it selfe; only that he might not lawfully exorbitate from established Lawes, and not also that he might have no Authority or Power to exorbitate at all? Sure this was their aime, for the former he could not doe before. 7. The Law granting a *Writ* of *Rebellion* against him who refuseth to obey the sentence

sentence of the Judge, though he have an expresse Act of the Kings will to warrant him: doth it not suppose those *exceeding* and *extrajudiciall Acts* of the *Kings will* to be unauthoritative, and unable to priviledge a man from Resistance?

If the Doctor by his faculty can resolve these *Cases*, He will doe much in way of satisfaction of my conscience; but if he cannot they will prove so many convincing arguments that the *Power* of the Monarch in this Frame is not *unlimited*.

Now having made good my *Assertions*, I expected another worke; *sc.* an *Examination* of his *Reasons* for *unlimitednesse*, and *simplicity* of Monarchicall Power, but he is not guilty of my fault, he doth not goe so much as to reason us into a beliefe of it. He doth in vaine expresse a desire hee hath that some skilfull *Lawyers* or *Divines* would helpe him at this dead lift; yet he is like to goe alone in this wild untroden path of defending an unresistiblenesse on sueh supposals: shall we think any *Divine* will second him, in justifying his unwritten fancie about *Gods Ordinance necessarily investing all the acts of his will, Who is supreme?* Or any sound *Lawyer* will overthrow the grounds of his Profession, that the Royall Right, Authority and Government of this Realme is both founded on, and measured by the Laws thereof? Yea it is very remarkeable, that *his Majestie* in all the *Declarations* and *Expresses* which I have seen, doth not once touch upon this way, *sc.* a challenge of such a latitude of Authority as can preserve destructive instruments from force; but condemnes the now Resistance, by solemne *protestations* of innocency, and intention of governing by the *known Laws*.

Chap. VI.

An Answer to his 5. Sect. of Resistance in Relation to severall kinds of Monarchy.

THE residue of his Book is spent about the Question of Resistance; Sect. 32
I might well spare the labour of any farther Answer; for now having so apparently made good these two Assertions. 1. *That soveraignty may be limited in the very power.* 2. *That de facto, it is so in this Government*, every one may discerne the necessary truth of these inferences, 1. That in this Government, the *exceeding Acts* of the Princes will, being out of the compasse of his Authority, can not authorize their Instruments. 2. That hereon *Resistance* of them is no other then of private men, not of *Authority*, or *Gods Ordinance*. But because the

Doctors chiefe confidence is in this part of his discourse, and he is large in it, I will therefore goe on in my work, and will briefly make appeare that his *Reasons* are infirme, and his *Authorities* impertinent, and his *Answers* very insufficient: for having been so large in making good my *supposals*, and overthrowing his, I may the more contract my selfe in this remaining businesse. In this Section he proposeth two things. 1. To consider how I *state the point of Resistance* in the kinds of Governments. 2. To prove that *Limitation and Mixture in government doe not imply a forceable constraining Power in subjects*, p. 39. I will follow him in both.

My stating the Question vindicated.

He begins with a charitable censure of my stating the Question, and sayes *he finds it to be in a way that lies very open to Rebellion*, p. 33. Let the Reader judge: I am sure, his *Resolves* and *Determinations* are not in a way to destroy all *liberty*, and make all Governments *Arbitrary*, but directly doe it. Then for my maintaining the *Person* of the Monarch in *all Formes* to be above the reach of Force, he approves it; yet sayes *I allow subjects to raise Armies, to give battle to those that are about him as his guard.* He wrongs me, I say not *his guard* but *subversive seducers and instruments*: Those which he called *extraordinaries* in his first booke; now he repents he gave that hard name to his clients, whom he pleades so hard to save harmelesse, and makes them amends with the stile of a *Guard*. A guard which bring him into greater danger then all his enemies; who bring him into battell to save themselves, where *Ordnance* and *Musket* can put no difference: No; *They use him as their guard.* If harme befall him, which God avert, the guilt and punishment will fall on them who are so prodigall of hazarding his sacred Person, not on those who could desire nothing more then his security, by absence from a multitude, who by undertaking the subversion of Religion and Lawes (for that is the Doctors supposition) bring themselves in danger of condigne destruction.

Then he proceeds to Resistance in an *Absolute State*. Where I affirme, *If such a Monarch should seeke the destruction of the Whole Community, his instruments of such inhumanity may be resisted.* He dares not deny it; but would know what I doe meane by the *Whole community*. I meane the *Whole simply*, or the *whole interpretatively*; that is, the greater part; and therefore his exception of the *Jewes* in the Kingdome of *Ahasuerus*, or the *Templers* in the Westerne Kingdomes, is not to the purpose: but the instance which I bring of the

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Low-Countries, comes home: for they were the *whole community*; but the *Replier* corrupts it, when he saith *the Spanish King intended the extirpation of the Protestants only*, p. 34. For he intended not only theirs, but of all, Papists and else, which would not admit the introduction of an Arbitrary Government, and the subversion of their liberties, as the histories thereof make plaine. Here in this 34. page, the Doctor shewes a bad mind: Taking occasion to excuse the *Rebels* in *Ireland*, as if they might justifie themselves on these grounds; and intimating a falshood, as if the Parliament did intend their extirpation, hereby declaring how ill he likes any effectuall course for the rooting out of Popery out of the Kingdomes. Indeed, he sayes, *he pleads not for them*, but yet he doth it. He finds out arguments for them; and shews them a way, both how to excuse themselves, and accuse the Parliament; and to call a resolution of cleansing that Iland from Popery, an extirpation of their Nation. He sayes, the *example of David proves not this, being but a particular Man*. I say, it proves it the more strongly, as shall appeare. Then *if a particular mans life be invaded without any plea of reason, I suppose it hard to deny him the liberty of positive resistance of agents*; and prove it by the instance of the peoples rescue of *Jonathan*; and *Davids* of himselfe; where the peoples *Oath*; and Davids *Army*, with his *enquiry* at *Keilah* doe prove a serious and reall purpose of Resistance, let the Doctor say what he please to the contrary; so that these examples come home to justifie resistance in such case, even in an *Absolute Monarchy*; for here are particular men, in an absolute Monarchy, assaulted without *plea of reason*; for that *Jonathan*, who had wrought such a deliverance, should die, for tasting in his ignorance a little honey, there was no *colour of reason*; the Kings rash oath was none. And that *David* should be put to death, whom *Saul* himselfe oft with his own mouth professed innocent, and absolved, was as much without *plea of reason*: so that here I need not flie to the Doctors shift of an *extraordinary case*, as he tells me I must, *p.* 35. I acknowledge no extraordinary case in these examples. Take them in their due extent, and they justifie no more then I have asserted; and so much they doe. In my 5. Assertion, p. 11. *Of submitting States, Liberties and Persons to the Will of an Absolute Monarch carrying any plea of reason*; He faults my Order, and tells me, it should have been first. It seems this mans eye can spie small faults; but why first, he doth not say. I think in stating of the question of resistance I may as

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well begin with the *Affirmative*, and ſhew firſt when it may be uſed, and then when it ought not; as on the contrary; but he will make a fault, where he finds none. But what ſayes he to the *Aſſertion?* He grants it; but diſlikes the limitation, *ſo it carry plea or ſhew of reaſon:* and ſayes *here the way is open enough to rebellion*, p.36. No opener then himſelfe makes it, *p.*10. This is uſuall with him, when he diſlikes a thing: He can ſpeak no leſſe words then *Rebellion.* But why ſayes he ſo? *Every man will be ready to think there is no reaſon nor equity in the will of the Monarch when he is oppreſſed by him.* He may well enough, if hee be oppreſſed: but yet there may be a *plea* and *colour of equity* even for an Act of Oppreſſion; and in an Abſolute Monarchy it will little availe a man though he think there is no reaſon for it: for he muſt not be his own judge; nor hath he any outward judge to appeale to; but the *Reaſonable will* of the Monarch himſelfe; if he ſubmit to its determination, there is no feare of Rebellion; if not, I have done with him, in ſuch a Government. Of *Saules* cenſure of *Jonathan* and *David* I have ſpoken already and made it appeare it had no plea of *reaſon*, was not the act of a reaſonable will; and therefore I may hold their examples ordinary, without impeachment of this Aſſertion.

Then he proceeds to Reſiſtance in *limited* and *mixed Rules*, p.36. Concerning which I ſaid, p.17. *If the exorbitances be of leſſe moment they ought to be borne*, and p.18. *If mortall and deſtructive neither can be otherwiſe redreſſed, then prevention by Reſiſtance may be uſed.* Here firſt *he challengeth my ingennity*, for words ſpoken in my 49. page. He ſaid Sect.1. of his firſt booke, *We may and ought to deny obedience to ſuch commands of the Prince as are unlawfull by the Law of God; yea by the eſtabliſhed lawes of the Land.* I cenſured this ſpeech, that *it is more then ſhould be ſaid*, ſure, a hainous fault in me: I ſay more; *he hath ſaid more then ſhould be ſaid*, by all theſe three bookes, in which he ſayes that which diſſolves all frames of Government into arbitrary, overthrowes all effectuall limitation of Power; and ſure that is more then ſhould be ſaid. And for that particular clauſe; Is it not more? He ſpeakes without reſtriction: Doth joyne things unlawfull by the law of God, and things unlawfull by the lawes of the Land: And puts the ſame *may* and *ought* to both; if the affirmation muſt be underſtood *univerſally* of *one*, how can it be underſtood otherwiſe of the *other:* It cannot be excuſed from the cenſure

of

of a confused and unwary speech. He passeth, *p.* 37. to the Question, *Who shall be the ultime judge of subversive exorbitancies.* He would know who? I have told him my opinion hereof at large in that Tract: Here I would faine know his; but he would rather carp at mine, then give his own. When I say there can be no *Authoritative judge* to determine it. *He commends my ingenuity*, p. 37. but I doe not only say it, but at large doe prove it, there *p.* 67. as well against him, as against those others; why doth he not undertake that *Question* against me, if he hath any mind to it. He much dislikes when I say, *p.* 18. *The fundamentall Lawes must judge in every mans conscience. This is*, sayes he, *a ready way to anarchy and confusion*, p. 37. I referre not this case to the consciences of men as to an *Authoritative Judge*, but *a morall principle of discerning Right*: And who can deny unto man such a liberty to conceive of right according to the light he hath from the fundamentals of a State? Let the judicious reade what I have said here-about, *p.* 67. of that Tract; and let him then tell how that Question can be otherwise determined, unlesse he overthrow *Monarchy*, by giving a finall judgement to the *States*; or all *Liberty*, if he give it to the *Monarch*; and supposing the *Ayme at subversion* be evident to mens consciences, can we deny them a naturall power of judging according to that evidence; or liberty of assisting the wronged? So when I say *the Wronged side must make it evident to every mans conscience: also the appeale must be to the Community, as if there were no Government; and as every man is convinced in conscience he is bound to give assistance*, *p.* 29. of my Tract: He calls this *good stuffe*, p. 37. Why? because I say, *the people are at liberty as if there were no Government; and this appeale is disadvantagious to the Monarch; for they will be more ready to believe their representative: This would in the consequence be dangerous, the high Way to confusion*, p. 38. Answ. 1. I say, not *simply*, that people are at liberty, as if there were no Government; but *in this particular Question*; bound still, as before, in all besides. 2. He takes me as if by *Community* I meant only the *Commons*; when I expresse it by *genus humanum*, especially of that Kingdome. 3. He censures the *Reason of Man-kind* of partiality towards their *Representatives*. Not so; for in so great a Question *Wise men* cannot be blinded: *Honest men* will goe according to their conscience, and *Reasonable men* according to evidence, and will see it concernes them as well to avoid *Anarchy* by aiding a wronged *Monarch*; as *Tyranny* by aiding an oppressed

State. But sith this *Replicant* is so bitter an enveigher against an *Appeale ad conscientiam generis humani*, in this last case so uncapeable of an Authoritative decision: 1. Let him consider on what foundation God hath built Monarchy and all other powers, but on the consciences of men, *Rom.* 13. 2. Let him weigh whether, when he hath said all he can say, such an appeale be avoidable. For, 1. If a controversie arise between the *King* and a particular person or place; the *King* shall Judge it in his Courts by his Judges, and the sentence shall be executed by the force and armes of his other subjects. 2. If it be between *Him* and the *Representatives* of his whole Kingdome, and supreme Court of Judicature in which the Acts and Persons of all other Courts and Judges are to be judged. The King cannot judge this in his other Courts and by his Judges; nor yet by himselfe; for a King out of his Courts cannot judge in a Legall Government, especially the acts of his supreme Court. But be it so: suppose the Doctor and I should agree in this, that the King by himselfe is the *ultime* Judge of Controversies: Yet it is very like these *States* with whom the Contention is, will not yeild him so, to judge against them, in his own cause. But suppose they doe not submit to his determination: He will say, then they sin, and rebell against him. Well, let it be granted; yet submit they doe not: I demand in this case, what course the King hath to make effectuall his sentence? It must be by force of armes, by the sword: but of whom? Either the *peoples* whose *representatives* they are; or other mens: but what shall bind them to afford their Force to make good his sentence? It must be their conscience of his right: Thus when all is done and said, To the *consciences of Men* must his *appeale* be; and to them must he make evident his right, in this extreme contention. Yea this man in a controversie of the like nature, is compelled to acknowledge as much: For the *Pleaders* put the case; If a King be distracted, I may adde, if his Title be dubious, *&c.* The Doctors answer is, *if it be cleare that a King is so, &c.* p.8. but who shall determine this *If?* must not self-evidence in the consciences of Men? This is all the judiciall power the Doctour can referre us to in these cases. Lastly, *He would know what power there is in a Community to make resistance*; and answers himselfe, *A Parliamentary and Legall*; *not Military and Forcible*, p.38. Thus he speakes of these as contradistinct, when they are subordinate, *Forcible* being subservient to *Legall* to make it valid and effectuall, which else were meerely morall

morall and ineffectuall; but this is one of his ſuppoſals whoſe vanity I have before diſcovered: And *p.*51. of my Treatiſe, in a full diſpute have I proved the Parliaments power in reſiſting deſtructive inſtruments; which I doubt not, will appeare cleare, notwithſtanding any thing ſaid in this Reply. But that is very ſtrange which he affirmes, p.39. *That if they uſe a Legall reſtraining power, the Monarch cannot alter the eſtabliſhed frame.* Sure, by *cannot*, he underſtands fallaciouſly, as he uſeth to doe, a *morall cannot*, that is, not without ſin; which is a poor ſmall *cannot* now adays: if he mean indeed *cannot*, that is, *is not able*, it is againſt reaſon, by his grounds; for what is not he able to doe, whoſe loweſt, moſt deſperate inſtrument of pleaſure is unreſiſtible? Let him remember where he ſaid, p.19. *A forcible conſent cannot be wanting to a Conqueroure*, and a Conquerours power is no more then unreſiſtible. Nay; I am ſenſeleſſe on the Doctors grounds, if he cannot *lawfully*; for ſuppoſe he be pleaſed to make it a Queſtion, whether he were not better governe by the *Civill-Law*, as more conducent to Gods glory, and the *end* of Government. He is by Law the laſt judge of this Queſtion, if he determine it beſt: then he may lawfully doe it.

Now we are come to the ſecond part of this Section: in which he undertakes the proofe of this *Aſſertion*, that *Limitations and Mixtures in Monarchy doe not imply a forcible conſtraining power in ſubjects for the preventing of diſſolution, but only a Legall*, p.39. *Anſw.* He failes in the very propoſall of his Aſſertion in three points. 1. He propoſeth it of Limitation in generall; whereas I grant it of that which is *only in exerciſe*; affirming it only of that which is of the *power* it ſelfe. 2. He ſayes, *Forcible conſtraining power in ſubjects*, when he ſhould have ſpecified *againſt ſubverſive inſtruments*, for I grant it of the *Monarch* himſelfe. 3. He oppoſeth *forcible* to *Legall*, when it ſhould be oppoſed only to *meere Morall*, not to *Legall*, as before. Now let us weigh his Arguments. Firſt, *Such a power muſt be in them by reſervation, and then it muſt be expreſſe in the conſtitution of the Government and Covenant*, or elſe by implication. I will anſwer diſtinctly concerning this *Reſervation of power* of forcible Reſiſtance. 1. There is a *Reſervation of liberty*, or power of not being ſubject neither actively nor paſſively to the exceeding Acts of the Monarchs will: This is by *implication*, for what they did not reſigne up, they did reſerve. 2. *A power of Authoritative judging*

Sect. 2. His Arguments againſt power of reſiſtance reſerved. anſwered.

and resisting the Monarch thus exceeding. This neither expressely nor implicitly is reserved; not because it is *unlawfull*, as the Doctor imagins, but contradictory to the very institution of a Monarchy, and so, under that intention, *impossible*. 3. *A power of forcible resistance* of subversive instruments. This by the Authority of the Law, is, not *reserved*, but expressely *commited*, not only to the *Houses* of Parliament, but all inferiour Courts; for the Law, whose execution the King committeth unto them, commands them not only to resist, but punish its violaters, much more its subverters, without exceptions of *Persons*, or respect of their *number*, or *ground* and reason why they doe it, whether with or against the Kings private and absolute will or Warrant: supposing such men to be without warrant. And this power of judging all violators and subverters of Laws being committed to them, includes a power of imploying the force or Armes of the County, or whole Kingdome, if need be, to make good the sentence of the Law against them: *This power* being a necessary attendant to the *former*. And they who have the *power of judging* by Commission, have the *power of force* by implication. To his five Arguments therefore by which he proves this power not *reserved by implication*; I briefly Answer. 1. *Limitation cannot infer it, &c.* Answer, Limitation in exercise only doth not: but in the power it selfe doth infer it, as I have often shewed. 2. *The inconveniencies of exorbitancie cannot infer it.* Answer, They doe not infer it of themselves, for they are the same in absolute Rule: but supposing a people mind in their Frame effectually to prevent those inconveniencies, that doth infer it. 3. *The consent and intention of the people, choosing a Monarch cannot infer it, because it is not the measure of the power it selfe.* Answer, I have before proved the contrary, and made the Doctors suppositall appeare a groundlesse falshood concerning unlimited power by Gods ordinance. 4. *The intention of the people in procuring Limitations of power cannot infer it.* Answer, If the peoples intention in it, be a greater security from oppression then in an absolute Government they can have, or a meere morall limitation can give them; then it doth inferre it. 5. *If the Architects did intend such a forceable power to these States, they would not have left it in his power to dissolve them*, p. 42. This hath had its full satisfaction before. These are poore infirme arguments, as the reader cannot but see, yet he ends in a triumph. *Therefore I conclude here as I promised in the second Section, where the Prince stands supreme, &c.*

There

there Subjects may not by force of armes resist, though he be exorbitant, &c. p.43. 'Tis true *he concludes as he promised*, but he hath not *proved*, as he *promised*; nor as we expected; for here is nothing, but that which fals to the ground with his supposals on which they are built; and which I have demolished in the 4th Chapter.

Chap. VII.

An Answer to the 7th *Section of his Replie, of places of Scripture out of the old Testament.*

Sect. 1. HIs sixt Section doth wholly concerne the *Authour of the fuller Answer*, which I passe over, because I am chargeable for no more then is my owne. And come to his *seventh* which containes an Examination of places alledged in this Question out of the old Testament. Where he begins confidently that there is *no Warrant for Resistance*, p.56. and he yeelds two Reasons why. 1. *Because the Institution of that Kingdom was such as doth plainly exclude Resistance.* 2. *Because the Prophets never call for it.* *Ans.* I grant it doth exclude it, as farre as in an *absolute Monarchie* it may be excluded; and therefore there is no need of answering his Arguments. But yet let us consider them sith he is so large in them.

To shew us the *Institution* of that Kingdome he brings, 1 *Sam.* 8. 11. Where he sayes we have it. *For Samuel is commanded*, v. 9. *To tell the people* (*Jus Regis:*) Now this *jus Regis* he makes a great matter of, and tels us *it implies not a Right of doing such unjust Acts, but a securitie from Resistance and force, if he does them.* p.56.

Ans. 1. It is no prejudice to the cause I defend, if I should grant all he would worke out of this Text; for it prooves no farther then of that particular Kingdome, inducing no necessitie that all others must have the same Institution. Also that which he concludes is but a securitie for the Person of the Prince from force if he doe such unjust Acts: which we grant him not only in that, but all Monarchies, even the most limited.

2. If he have any further reach, and would conclude out of it a *generall binding Ordinance* of security from Resistance, extending even to subversive Instruments of Will. The world will wonder at him for such an audacious conclusion from such premises. And we will look a little neater to what he sayes. All is grounded on his Interpretation

of *Jus Regis*. Which he seeks to confirme by *Calvins* Authority.

First, for his *Interpretation*. I say the Originall words in this place are not to be translated *jus Regis*, the *Right of the King*. Because 1. There is another more fit signification of them: the words are משפט המלך now the word משפט being applied to unjust Acts, as here it is, ought not to be rendred *jus*, but *mos*, not *Right*, but *manner*, as appeares by another place answerable to this, 1 *Sam.* 27. 11. וכה משפטו speaking of *Davids roving*, *This will be his manner*, 'twere ridiculous to render it, this will be his *right* or *priviledge*. This our last Interpreters knowing, did willingly depart from the *Vulgar Latine*; whose Authour either ignorantly or inconsiderately did render it *jus Regis*; which this Doctour for his advantage doth here make so much of. 2. That rendring of it, cannot be justified by any other Text of Scripture; for wheresoever it is rendred *Jus*, it imports a morall Right; not a priviledge or securitie in ill doing. I challenge any skilfull in that tongue to bring one place where it is or can be so rendred.

Then for *Calvins* Authority. I answer. 1. What if *Calvin* or any other deceived by the vulgar Latine, or ignorance of the extent of the Originall word, have rendred it ill; must that be a prescription to others who know a better? 2. Neither doth *Calvin*, though he follow the *Latine* and render it *Jus*, meane such a *jus* as the Doctour doth, sc. *An absolute immunity*, or security from Resistance: but onely from *private men*. For after he hath in all those passages, which the Doctour cites, exempted Kings from violence, truly and piously urging patience in Subjects under the injuries of their Princes, at length *Instit. l.* 4. *c.* 20. (the same out of the which the Doctor brings his proofes) *num.* 31. He explaines himselfe, *De privatis hominibus semper loquor*, that all is to be taken of *private men*; not of the *States of a Kingdome*, in their publike meetings: never discerning of such a universall immunitie, as the Doctour would put upon him to maintaine. And here I challenge not the Ingenuity, but the Conscience of this Replier, who cites *Calvin* at large in the former place, as agreeing with him in this case of Resistance, when he cannot be ignorant of the contrary, and therefore conceales his following words in the 31. *num.* Where he expressely teaches the same Truth which I have asserted in my *Treatise*. Heare him speaking his judgement, *De privatis hominibus semper loquor: Nam si qui nunc sunt populares magistratus ad moderandam*

moderandam Regum libidinem constituti (quales olim erant, qui Lacedæmonijs regibus oppositi erant, Ephori: aut Romanis Consulibus, Tribuni plebis; aut Athenienſium Senatui, Demarchi; & qua etiam forte potestate (ut nunc res habent) funguntur in ſingulis regnis tres ordines, cum primarios conventus peragunt) adeo illos fenocienti Regum licentiæ pro officio intercedere non veto, ut ſi Regibus impotenter graſſantibus, & humili plebeculæ inſultantibus conniveant, eorum diſſimulationem nefaria perfidia non carere affirmem: quia populi libertatem cui ſe, Dei ordinatione, Tutores poſitos norunt, fraudulenter produnt. He is cleare, that the Estates in Parliament, not only may, but are *Gods ordinance* for it, and are bound to resist, and not suffer the destruction of liberties, by exorbitating Princes; so that I may justly retort the Doctors words, p. 57. *There can be nothing spoken more plainly for the power of resistance in the Houses of Parliament then this.*

Then for his other reason from the 18. verse, *Ye shall cry out in that day, and the Lord will not heare you.* As in my Treatise I called it *inconsequent*; so also now: He is a good *Logician* which can draw his conclusion out of those premises. But he blames me, p. 58. for saying it was an absolute Monarchy, and *cannot see how it can be so, according to my description of absoluteneſſe.* Why not? *In Absolute Monarchy, there are no limits but the Monarchs own will; but these had a fixed judiciall Law,* p. 59. I answer, That *judiciall Law* was no limits of their *power*; but of the *exercise only*; for the non observance of it by the King did not amount to an untying of the *bond of subjection* in the people. The *Judiciall* Laws being from God, not from any contract of the people, were in the same nature to that people, and for the time, with the *Morall* Laws; and in the same manner did limit their Kings, and no otherwise. But for the *Abſoluteneſſe* of that Monarchy, here *Lyra* (more faithfully cited, then he did *Calvin* above) *Conſtitutio Regis juxta poteſtatem ſibi conceſſam eſt duplex.* 1. *Plena & legibus abſoluta, prout legiſte de Imperatore dicere ſolent.* 2. *Cum poteſtate limitata.* Now sayes he, the people sinned, not simply in asking a King; but in asking a King of the first sort, *to judge them as the Nations*, that is, *absolutely*. He is expresse. 1. That limitation of power makes a limited Monarch. 2. That *Israel* desiring such a Government as the adjacent Nations, desired an absolute Monarch. And indeed as the definement of the *morall* Law doth not disparage the Absoluteneſſe of the

Lyra, in 1 Sam. 8.

Monarch.

Monarch, becauſe it is from God, not the people; ſo did not their *judiciall*, for the ſame reaſon.

Sect. 2. Next he comes to the peoples reſcue of *Jonathan*, p. 60. He may give their *reſolute Oath* what names pleaſeth him, *a loving importunate violence, a ſouldierly boldneſſe*, or the like; it was a peremptory expreſſion of no leſſe then an intent of reſiſtance, in caſe there had been need. Then for *Davids* purpoſe in having armed men about him; He ſays *it was only to ſecure his perſon againſt the cut-throates of Saul*, that is, *againſt his private Emiſſaries. But who ſees not a large difference betweene ſecuring a mans ſelfe from private Emiſſaries, and appearing in the field with Armies againſt the Armies of the Prince*, p. 61. Anſwer, 1. It is againſt reaſon, that he ſhould retaine an Army of 600. valiant Souldiers, yea a great Army, *like the Hoſt of God*, 1 Chron. 12. 22. to ſecure himſelfe meerely againſt *private Emiſſaries*. 2. Let us grant him that there is a difference between ſecuring againſt private Emiſſaries, and the open Army: yet if he grant it lawfull to uſe force againſt one, he grants the cauſe by it, of all; for a warrant from an act of the Kings will is as valid to ſecure a few Emiſſaries, as a whole Army: and Gods Ordinance in one man, is no more reſiſtible, then in a multitude. Then for *Davids* intent to keep *Keylah* againſt *Saul*, it is ſo evident, by the hiſtory, that I will ſay no more about it; but doe refer him to that which the *Pleaders for defenſive Armes* ſay about it. The Doctor ſeeks divers evaſions, to get out of the reach of this example; but doth not ſatisfie himſelfe, much leſſe others, and therefore adds the fourth on which he muſt reſt when all is ſaid, *That Davids example was extraordinary*: Hereon he brings ſome things in him which were *extraordinary*; We grant it in many things; but we deny it in this. If the Doctor will prove him to have a ſpeciall priviledge to reſiſt Gods ordinance in his Soveraign, more then other men; he muſt bring the grant and warrant for it: otherwiſe *David* muſt come under the common condition for this matter: He himſelfe acknowledges he had none for violating the perſon of his Prince; and ſure then he had none for violating the Authority of his Prince, conferred on *private Emiſſaries*, if they had any. But in his p. 65. He layes hard at me, and *challengeth not only my Reaſon for calling this a ſhuffling Anſwer, but alſo my ingenuity, who confeſſe the people in that Government might not reſiſt; and yet doe urge theſe examples for Reſiſtance*. Anſwer, 1. For my *Reaſon*; I have made it appeare I have reaſon to call

it

it ſo; is it not a meere *evaſion*, to affirme in him *an extraordinary priviledge*, and can bring no word, nor warrant for it? 2. For my *ingenuity* it is without cauſe challenged by him; for from the lawfullneſſe of Reſiſtance of *unreaſonable Acts of Will*, in an abſolute Monarchy, where *Reaſon is the Princes law*; I may *a fortiori* conclude the lawfulneſſe of reſiſting of inſtruments of *illegall Acts* in a limited Monarchy, where the *Law of the Land is the Princes Law* and bounds.

CHAP. VIII.

The 8. Section *concerning Reſiſtance forbidden*, Rom. 13. *anſwered.*

NOw we are come to his principall ſtrength againſt Reſiſtance out of *Rom.* 13. From whence nothing can be collected againſt any Reſiſtance, but that which is *of the Powers, of the Ordinance*: but that which I defend is of neither of them, therefore I have no cauſe to feare his inferences from that Text. Now ſuppoſing the truth which I have made good, that in a limited State the limitation is of the Power it ſelfe, and not only of the exerciſe; it followes evidently that in ſuch a State reſiſtance of deſtructive inſtruments, is neither of *Power* nor *Gods Ordinance*. I might therefore well omit that which at large here he ſpeakes of *Reſiſtance of the Powers*. The firſt part of the Section is ſpent in replying to the Exceptions of the *Reverend Divines*. The firſt thing I find which concernes me is, *p.* 77. I will therefore begin with him there. Where he accuſeth me *that in my* 59, 64, *and* 66. page *of that Treatiſe, I grant they might not reſiſt in that Monarchy; but affirme that ſubjects may in this; and he brings me in giving two Reaſons for it.* 1. *Becauſe Religion was then no part of the Lawes, but here it is.* 2. *Becauſe that was an Abſolute Monarchy, this a Limited and mixed*, p. 77. But may I not here challenge both the ingenuity and conſcience of this *Replyer*. Did I ever grant that Gods *Ordinance of Power* might be reſiſted here; or give any *Reaſons* for ſo unreaſonable an Aſſertion? It would be tedious to repeate here, what I have ſaid there. Let the Reader ſee; if he pleaſe. I will recite the ſumme. 1. The Doctor affirmed, that in the Apoſtles time the *Senate of Rome* might challenge more then our *Parliaments* can now. I denied it, and gave my reaſon, *&c.* That *State* was then devolved into a Monarchy by Conqueſt, *&c.* of this the Doctor ſpeakes not a word, perhaps he is now aſhamed of that compariſon. 2. He ſaid, there was greater *cauſe* of Reſiſtance then, than now. I anſwered. There Sect. 1.

was then no *cause* at all: Not for *Religion*, being then, no part of the Law: Not *Liberties*; because then that was past, the Government changed; and an Oath taken of absolute subjection. Have I by these things granted a liberty of Resistance of Gods Ordinance to this people; and deny it to those? No; Neither They, nor We; not that enslaved *Senate*; nor our free *Parliaments*, no cause, no priviledge can justifie this. Yea I ascribe more to *Gods Ordinance of Power*, then He: He sayes that in a limited state we owe only *passive subjection* to exceeding commands of a Prince by promise limiting himselfe in the use of his power. I say; though he sin in exceeding such promise; yet we owe him also *Active obedience* in such commands which Gods Law forbids us not to be *Active* in. Neither doe I bring Doctor *Bilsons* testimony to prove that Religion was then no part of the Law, as he affirmes I doe, *p.77.* but sure he neither heeded what I had written, nor what himselfe wrote. I laid down an Assertion that *Gods Ordinance* of which St *Paul* speakes, is the *Power* and the *Person* of him which is supremely invested with that Power; and for this did I bring Dr *Bilson*; who, explaining the Power there forbidden to be resisted, sayes *it is the Princes Will not against his Lawes; but agreeing to his Lawes.* Here he serves Dr *Bilson* and other Divines, as before the *King*, and the *Parliaments*, teaches them a meaning contrary to their words: *They meane such states as may by the knowne Lawes use forceable restraint:* No such meaning of his words: He makes no distinction of *states*; but expounds the Text in question, speaking of *Gods Ordinance* in generall, in all *Rulers*: He knowes it well enough; and therefore addes, *They were willing to excuse as much as might be those motions of the Protestants in France and the Low-Countries; but had they lived now, they would have spoken more cautelously.* That is, They spake rashly, wronged the truth, and reached their consciences to excuse the commotions and rebellions of those dayes. This is like a Doctor. But he likes the *Homilie* better then them all, *that speakes home*, he sayes; but what, he speakes not, nor doe I answer. *But he will try the force of this exception, because I professe, with* Mr *Burrowes, against Resisting of Authority though abused: And with* Dr *Bilson, admit of resisting the Princes Will against the Lawes: This is fast and loose, sayes he.* How so? In limited Monarchies, where the Prince hath no Authority beyond the Law: there an act beyond the Law is unauthoritative and meerely private; so that it is no *abusing of Authority*;

Authority; but an *exceeding of Authority*. *Authority abuſed* to undue acting of matters within its compaſſe, Mr *Burrowes* ſpeakes of, and that muſt not be reſiſted. But the *Princes will* acting againſt his Law, that is matters without the compaſſe of Authority is not Gods ordinance, ſayes Dr *Bilſon*, and ſo may be reſted in its inſtruments. I ſtill ſay, let him prove ſuch acts to proceed from Authority, I will diſclaime Reſiſtance of their inſtruments, either the meaneſt *Conſtable* in the Land, or *Souldier* in the army. But how cloudes he this truth *which is cleare as the day?* 1. *In that Government under which the Apoſtle lived, men might not reſiſt, though the Powers commanded contrary to Law, as oft they did: Not under the Arrian Emperours, though religion was then a part of the law*, p. 78. Anſwer, 1. Dr *Abbot* that learned Biſhop of *Sarum* was of another judgement; *Demonſtrat. Antichriſt*, c. 7. In that Government he doth diſtinguiſh the Chriſtians carriage according to the diſtinction of times. At firſt before Religion was eſtabliſhed by Law, *cædebantur, non cædebant*, but after *Conſtantines* time when it was eſtabliſhed by Law. *Cædebant, non cædebantur*. 2. We may grant it in that Government, becauſe it was abſolute, and the Laws were to the Prince but *morall* limitations of *exerciſe*: And, as I have often acknowledged, Acts of the Princes will, exceeding ſuch limitation, are *poteſtative*, and muſt not be reſiſted: but it will not follow that therefore they are ſo, in governments where the Laws are limitations of the power it ſelfe, and *exceeding* acts are not *poteſtative*. Sure in thoſe times, as patient as the Chriſtians were, under their perſecutours, if their Religion and perſons had been aſſaulted without Authority, they would have made Reſiſtance: And this is all we affirme. 2. He makes two inquiries, 1. Whether the firſt Parliament in Qu. *Elizabeths* reigne might have reſiſted her endeavours to change the eſtabliſhed Religion? Anſwer, They had ſinned in withſtanding the introduction of truth, and the Abolition of Falſhood; yet civilly and legally they might have done it: and abrogate a Law without the *States* ſhe could not. But, bleſſed be God there was no ſuch oppoſition; but a joynt conſent of all three Legiſlative Powers. 2. How can the putting down of *Epiſcopall Government*, be now juſtified which ſtands by Law? Anſwer, It cannot, unleſſe there be a confluence of the conſent of all three; nor doe I believe it is intended without the Kings conſent. Unleſſe their conſtant doctrine and practiſe to overthrow the liberties and Government of this Kingdome

into Arbitrarines doe prove them *in all their sort subversive*, and inconsistent with its safe being: Let therefore the Doctour and the rest of them looke how they continue to maintain such *destructive Doctrins*: for they will sooner remove themselves out of this Church, then the Subjects out of their ancient and just Liberties.

Sect 2. At length let us see what he sayes against the absolute condition of the *Romane Emperours*. *His other exception is, they were absolute Monarches, and therefore not to be resisted*, p. 79. *Ans.* He doth me manifest injury: See my *Treatise*, I no where so argue; nor have I any need; for I equally affirm it of *limited*, as of *absolute power*, that *they ought not to be resisted*, for they are equally Gods Ordinance, wch extends to *the powers that are*: Neither have I any need of that distinction to satisfie the Apostles Text: I asserted not the absoluteness of the Imperiall authoritie for any such reason: but against his false affirmation, *That that Senate in St Pauls time, might challenge more then our great Councell can now*. Here is apparent il dealing. But what can he oppose to what I said about the *absoluteness* of those *Roman* Emperours? 1. *It cannot be cleared that they were* de jure *absolute*. *An.* Yes, it can; according to the Doctors own grounds; for, 1. There was a full Conqueſt made by *Julius Cæsar* in that fatall battell against *Pompey* not only of him; but in and with him, of the whole *Senate*, for *in eo prima acies senatus fuit*, says *Seneca*. And the struggling remainders of the *free Senate* were again vanquished in that battle of *Octavius* against *Cassius* and *Brutus*. From that time all being prostrate to his *Will*. 2. There was a submission to an *Absolute* yoake. *Romani ruere in servitium Consules, Patres, Equet*, says *Tacitus*: yea the *Senate* was so forward to it, that *Tiberius* was wont to say, as oft as he went out of the Court, *O homines ad servitutem natos!* 3. There was also an establishment of this subjection by an *Oath*: for the *Senate* and *Armies* were brought under the same bond; and all this before St *Pauls* conversion. That which he brings out of latter Authours, p. 80. of the *Lex regia*, *quâ populus principi omne suum imperium & potestatem contulit*: and his conjectures of it's not being before *Vespasians* time, is not worth a looking into: It was a formall complement of flattery to give that to him in words, which he had in *power* and *Use* so many yeares before. Also that of their forbearing the *Diadem* and *Title* of King, being contented only with that of *Prince*, was but the putting on a silken vaile upon a rough government. Vnder that smooth Title the people and Senate were held as much under, as the

Seneca. cõsol ad Marciam.

Annal. l. 1. s. 2.

Ib. l. 3. s. 11.

grand

grand seigneur or *Persian* now hold their Vassals. *But they did perquam ain magnam potestatis partem cum senatu communicare*, p. 80. They did so; 'Twas their indulgence, or rather policie to impart it. It is affirmed, not by uncertaine Collections of late Authours; but by *Tacitus*, who is *instar omnium* in this businesse; of *Augustus* the first and best of them all, *Posito Triumviri nomine, consulem se ferens, insurgere paulatim, munia Magistratuum, senatus, Legum in se trahere*; and of *Tiberius*, that *imaginem antiquitatis senatui praebebat*. They conveyed their *will* through the old channell of the *Senate*, that it might relish the better with the people; yet at pleasure did what they listed, by them, and against them. 2. He sayes: *The Apostle in his reason against Resistance hath no respect to the absolute or limited condition of those Roman Emperours.* Nor doe I say, he hath: the Reason he urgeth is the *Ordinance of God*, which is true without distinction of the whole latitude of Power. 3. *A limited condition doth no more inferre a lawfullnesse of resistance for exorbitances, then an Absolute*, p. 82. I say no, that it doth; no condition can inferre a lawfulnesse of Resistance of the Power, though abused; but here is the *priviledge* of a people under a limited Monarch, his *exceeding Acts* are not abuses of Power; but simply *non potestative*; and therefore their Agents may be resisted, without resisting the power; which is not so in an *absolute Rule*; if there were no priviledge, why did men trouble themselves in constituting Limitations, and Mixtures in a State: In a word, unlesse he can prove Power in all Limited States, to be illimited: and all the *Acts of will* in the *supreme* to flow from *Gods Ordinance*. He labours in vain from that text, or any else to conclude against Resistance of subversive Instruments in a mixed Government.

Annal. l. 1. s. 1. l. 3. s. 10.

Chap. IX.

His ninth Section Answered: the Reasons against Resistance satisfied: and those for Resistance vindicated.

WE are now come to his *last Section*: In examination of which it will appeare that he hath as little *Reason* as *Scripture* against *that Resistance* which I have asserted in my *Treatise*. Herein he doth two things. 1. Brings his *Reasons* against Resistance. 2. Endeavours to answer those which I brought for it. But for more evident proceeding about both, we must distinctly call to mind the *Question*, of what it is. 1. It is of Resistance *in this state*; that is, a state Sect. 1.

which I have proved to be *limited* and *mixed* in the very *power* it selfe. 2. It is only of *Resistance of destructive Instruments*: Therefore if his Reasons doe not reach to such a Resistance, they are not to the purpose.

Now against Resistance the Doctour brings no fewer then *nine Reasons*; In his first booke he had only *five*, here he hath made up in number, what they wanted in weight. I will in few words answer them distinctly, for many need not. 1. His first is from the *Wisdom of God putting his people under Kings, without power of Resistance; this should be to us instead of a most forceable Reason*, p. 84. *Answ.* Well it may be *instead of one*; but it is not one. For 1. It was their desire to be under an Absolute Government, as their neighbour Countries were; and they offended God in it, as *Lyra* observes; therefore he giving them such a King as they desired; did not in his wisdome intend a *binding forme* for all people: I thinke the Doctour will not affirme he did. 2. If he meane *Resistance of their Prince his Authority and person*, I grant they were so put under; and so are we, and all that are put under *Monarchei*; but if he mean the Acts of the Princes will which were not Authoritative; I do denie it, and the former alledged instances prove they were not: and that is all I affirme in other Monarchies.

2. *The Word of God gives no direction for it. The Prophets call not on the Elders for it: The new Testament commends patience in suffering for Well-doing.* *Answ.* 1. In *Civill* matters *negative reasonings* from Scripture are not proving. 2. The word gives proving and imitable examples for it, as before: and indeed the Scripture doth every way justifie resistance of out-throats and private destructive Assaulters of Laws and Liberties, who have no Authority derived to them; and I defend no other.

3. *The Apostle forbids Resistance of the Powers, not from any compact of the people, but from the Ordinance of God.* 'Tis true: for no compact of people could establish an unresistible Power without the *Ordinance* of God. I acknowledge the Apostles ground for it: and therefore allow no resistance where there is *Gods Ordinance* to secure them, not for any abuse.

4. *To be supreme and next to God implies a security from Resistance*, p. 85. I grant all; His *Person*, his *Power* is hereby secured: I condemn all rising up against the *King*: but instruments of subversion, have nothing

thing of the King in them: not his *person* nor *Authoritie* is risen up against in them. For his conceits about *jus Regis* I have said enough above. Neither doe I give to the *Houses* the power of the *Lacedemonian Ephori*. They had an Authority over the very person of the King: which the *Houses* claime not. I give them no more then *Calvin* doth to the three Estates in their generall meetings. The Doctor well knowes what I will answer him; which he seeks to evade, 1. By affirming that *the Resisting of Instruments acting by his Power, which he hath committed to them, is a resisting of him*, p. 86. 'Tis true, it is so; but we speake of instruments, *which act not by his power*, that is, *his Authoritie*; but *by his will* in a course exceeding the Limitation of his Authority. Could he prove that a limited Prince could commit *Power* to doe acts without the bounds of his *Power*, the *Question* were answered, els he beggs it, but answers it not. 2. *He would desire me to look again upon the two Assertions of the Reverend Divines which I reject: He cannot conceive, how I can retaine my owne Assertion, and reject theirs.* The Doctour hath a great mind to pick some contradiction in me; but still failes in his endeavour. In good earnest, doth he speake really, when he sayes, *he cannot conceive*, &c. Well, let us looke againe on the *two Assertions* which I reject in them. 1. *Governours who under pretence of Authoritie from Gods Ordinance disturbe the quiet and godly life, are farre from being Gods Ordinance in so doing.* 2. *This tyrannie not being Gods Ordinance, they which resist it even with armes, resist not the Ordinance of God.* Doe I defend any *Assertions* equivalent to these. Rather I assert in that Treatise, and here also the contrary. 1. *Governours whither in absolute or limited States, keeping within the measure of their power, may disturbe the quiet and godly life, and yet be Gods Ordinance in that act, though crossing the end of Gods Ordinance in it.* 2. *Powers though abused, yet being Gods Ordinance, they which resist even in abusive acts of it, resist the Ordinance of God.* Is here no difference? Cannot I retaine this Assertion, that *exceeding Acts* in limited Monarchie are not Gods Ordinance, and may in instruments be resisted: And yet reject theirs, who maintain resistance of *Governours themselves, in all acts of abused power?* He makes no difference between *Acts exceeding bounds* of power: and *Acts of abused power*: but of this more then enough before. 3. *But he will answer more particularly*, so he had need. What is it? *He that beares the sword, that is, has the supreme Power, gives Commission to under-Ministers for Justice;*

Justice; and to other Officers for the Militia: If therefore the Resistance of those though abusing their Power, be a resistance of the Power; so it is also of these. Answ. I grant all: for it proceeds only of Ministers *abusing Power* committed to them: not of Excesses of Power, I will retort it. Like as if when the *supreme* gives *Commission of Justice* to a *Judge*, and he exceeding unto Acts without the compasse of his Commission is but a private man in those Acts and may be resisted: so if *Commission of Armes* be given to a *General*, &c.

5. *Subjection is due to a Prince, and the contrary forbidden without distinction of a good and bad Prince.* I grant it, and give the reason, because they are *Gods Ordinance*: but the Question is of instruments of exceeding Acts, in which they are not Gods Ordinance.

6. *Good reason that he which hath the supreme Trust, should have the greatest securitie*, p. 87. *Answ.* It is so; and so we grant him: for he hath a full security from all violence for both *Person* and *Authoritie*, what ever exorbitance he breakes out unto. The people have not so: Every subject being under the penalty of the Law for it's transgressions. But the Doctor forgets his *Clients*, He is not arguing for securitie of *Soverignes*; but *Subiects*, if they may be so called, which endeavour to subvert lawes and governments. But may we not also say, as it is good reason the supreme should have the greatest securitie; so the people also should have some securitie; and not be exposed like bruit beasts to the savage lusts of every instrument of cruelty: having only this to comfort them, that they sin in so doing? and so they doe, which with cruelty destroy even the bruit creatures.

7. *From the end and benefits of Government, for the enioying of which, it is good reason we should beare with the exorbitances.* Still he speakes *good reason*; but nothing to the purpose; for we dispute not of *exorbitances* of them who have the power; but of them who have *no power* for what they doe. In exorbitances of lesser nature, their will may secure instruments; but it is against reason that the benefits we have by their Government should cause us to beare with them who would destroy their lawes and government, for of such is the Question. I wonder here againe he brings *Calvin*, when he cannot but know that he is expressely for power of Resistance in the Houses: and no doubt *P. Martyr*, and the rest follow *Calvin* in this.

8. *Power of Resistance in Subiects would be a remedie worse then the disease, and more subversive of Soveraignitie, then if it were left without it*, p. 90.

Why

Why would it be ſo? *It would be a continuall Seminary of jealouſies twixt Prince and people, and confuſion through the continuance of the miſchiefes of Warre.* Concerning this Argument of his, ſee p. 60. of my Treatiſe, where it is fully ſatisfied. 1. Who will believe the power of Reſiſting deſtructive inſtruments, ſhould be more deſtructive, then to let them alone without Reſiſtance? 2. Suppoſe *by abuſe of this power* thoſe evils ſhould happen (for it ſo fals out to the beſt phyſicke, where the nocumentous humours are prevailing) yet this is but by *accident*: ſuch Power *per ſe* and of its owne nature tends to the preventing of ſubverſion. On the contrary by woefull experience, this Doctrine of the unreſiſtiblenesſe of ſuch men, hath nurſed up a brood of audacious projectours, and where it is taught, a *ſtate* will never be without them. Whereas, if the Truth were knowne it would refraine the ſpirits of wicked men from *paracide* and *State ſubverſion.* Neither can any thing be more miſchievous, then to teach an impunitie for projectours, and Agents of miſchiefe: and he hath not the reaſon of a man who argues otherwiſe. 3. Neither can this doctrine, as the *Replier* traduces it, extend to the *depoſing of Princes*, or the *deminiſhing* of their Authority, for it concernes only their *Inſtruments*, not their *Perſons*; their Abſolute, extra-legall *Will*; not their *Authority.* And for *jealouſies*, they will be more bred by that Doctrine which gives the *Prince* a Power to undoe the *State*, then by that which terminates *both*; and gives *neither* a power to ſubvert the *other*; Danger is the nurſe of jealouſie: that which takes away *power of hurting* takes away *Danger*; and ſo removes *jealouſies*: but indeed ſuch which have a plot of breaking up the hedge of Government, and bringing lawleſſe powers into a State, care not for having ſuch a Power in thoſe *Houſes* whom it would cauſe them to feare, and looke on with *continuall jealouſies.* The *Homily* of Rebellion is in vaine cited againſt that which is no rebellion.

9. The laſt and weakeſt of all is that of *the hearts of Kings being in Gods hands*, Prov. 21. 1. and that of *Gods Covenant with David and his ſeed*, 2 Chron. 6. 16. & 7. 17. How the Doctor can draw hence a concluſion againſt Reſiſtance of ſubverſive inſtruments, I cannot imagine. Sure if theſe Texts had any proving force in them, they had not been brought ſo late: Rather their place had been in the former Section, where in the cloſe he ſaies, *He choſe onely to inſiſt on thoſe Texts which are fit to beare argument*, but here he hath broke his word, yet he is excuſable, for he had no better.

Sect. 1. At length he comes to my Arguments brought *for Resistance*. If they be not more concluding then his, would they had never seen the light, nor come to the eye of any judicious man. Let us see what he hath to say to them.

1. That Resistance is lawfull which is no Resistance of the Ordinance of God; but this of subversive instruments is not, being neither of the Person nor Authority of the Prince. He sayes, *He hath proposed and answered this above under his third and fourth Reasons.* And there I doubt not but the invaliditie of his *Answer* doth plainly appeare.

2. Without this Power of Resistance all limitation of Government is vaine; and all formes resolve into that which is arbitrary. He tels me, *My Argument is inconsequent by my owne description of Absolute Monarchie: so that the restraint of a limited Monarch is Legall and Morall, not forceable and Military*, p. 93. I answer, I describe limited and Absolute Monarchie not by *Force*; but the having or not having *a bounds* of Will; but how absurd it is when the *distinctive conceit* in the definition of a limited Monarch, is *a Law terminating his Will* to take it of a *morall* terminating, which is common to all, not only Monarches but men? Especially sith I explaine my selfe so fully afterwards, as I doe, there p. 7. in the three degrees of absoluteneſſe. But I have above enough discovered the fraud and falshood of his confounding of *Legall* and *morall* Limitation; and have prooved that to give a Limited Monarch only a morall Limitation, is to resolve all into Absolute and Arbitrary, for the most absolute under heaven hath morall limitation.

3. Such Power is due to a publique State for its preservation which is allowed to a particular person. He answers, *this is not universally true.* Why not? a State is more worthy, and comprehends a multitude of particular men: doth *number* detract from their *priviledge?* He would seeme to have reason for his denial: *A private man hath by the law of nature power of selfe-preservation against the force of another private man; yet is this power yeelded up in regard of Civill Power, and not to be used against persons indued with such power*, p. 94. 1. He still speakes Truth; but not to the Question: which is not of persons *indued with civill power*, but such as we have proved to have *no power*; grant them *endued with power*, neither a particular man: or a whole Community must resist them: but having none, it is much more allowable in a *publique* state, then a *particular* person. 2. He speakes of a *power yeelded up*,

as

as if in all governments the people doe simply yeeld up all power of Resistance into a full subjection unto all Acts of the Princes will: Whereas we have prooved, that in limited Governments it is not so: but to the Princes Will measured and regulated by a Law; and therefore they have that power still, in respect of all instruments of acts of Will not so regulated.

But it is observable, that *p* 95. the Doctour is beaten off from his owne grounds, and yeelds up in the *Close* of his booke a full Victory to Truth. Which will appeare if we looke backe to his first booke, and *Sect.* 1. where he proposeth the Question in his own termes, *Whither if a King be bent or seduced to subvert Religion, Laws and Liberties, Subjects may take up armes and resist.* He undertakes to maintaine the *Negative*; and here was the beginning of the controversie. Now see in this *Replie* how he is sunck and stollen off from that which he undertooke to defend; and upon the matter grants us the *Cause*. For, 1. By *bent or seduced to subvert*, he tels us, he means not a purpose of the mind, *but doing many Acts arbitrarily tending to subuersion*; as if he would yeeld, that (supposing him bent, that is purposing and intending it in his mind and course) he might be resisted. 2. Nay, by [*bent to subvert*] he does not meane so much as *Acts subversive*; but onely *Acts tending to subversion of themselves*; *for the frame of government and Lawes cannot be subverted without the consent of the two Houses.* So that now the Question is rather, *Whither subversion be possible* by such instruments; then *Whether their Resistance be lawfull*: Sure it were pitty to disturbe them by Resistance in an impossible worke: Let them run on rather till they see their owne vanity and folly: but suppose they should bring it to passe; then it would be too late to come to this Doctor and tell him, he was deceived, and did deceive. Certainly those great Polititians who have had this designe in managing so many yeares, are not of his mind. Yea, suppose it cannot be done *Without the consent of the Houses*; yet the Doctour can tell us in another case, that where there is an unresistible power, *Consent cannot* long *be Wanting*. What then; will he yeeld us a power of Resistance, if we can proove such a designe possible?

Here also because the Doctor sayes *this liberty which I allow a State for its preservation, tends rather to its subversion*, p. 94. and every where calumniates me as an inducer of *confusion*, and *Anarchie*, and my Assertions as opening a way to *Rebellion*. It concernes me effectual-

ly to vindicate my selfe, and the truth which I maintaine from these aspersions; and make it appeare that the power of Resistance I defend is not a remedy worse then the disease of subversion. Which I can doe no better way, then by a positive setting downe the naked truth which I averre in this and the former Treatise; and shew how it shuts up every way to these evills which he layes uncharitably to my charge. 1. I assert no forceable Resistance in any case but *subversive* and *extreme*. 2. Subversive and extreme cases respect either particular men; or the whole state and Government. For *particular men* even in extreme cases of state or life, I allow no *publike* Resistance: but appeale if it may be had; or if not, yet no *publike* Resistance: for whether the wrong be done him by inferiour or superiour Magistrates, either it is, 1. Under forme and course of Law, and power committed them; and then to resist, is to resist the *power*. 2. Or without all forme and course of Law and power committed to them: and then a man values his state and life too high, to make *publike* resistance, and bring on the state a *generall disturbance* for his *private* good, and sins, though not against Gods ordinance of Power, in this case, yet against the *publike peace and weale*. For the *whole state or government*, and the last cases of its subversion, of which the Doctor puts the Question. 1. I condemne all force used against the Person of the supreme, or his Power and Authority in any inferiour Ministers thereof. 2. I averre not publike forceable resistance of Ministers of acts of will which are only *actuall invasions*, or *excesses of limitation*; and not such as plainly argue a *bent of subversion*, and *apparent danger* thereof, if prevention be not used: so that the Doctor goes from the Question, and comes home to me, when he sayes here that he speakes only of the former sort. 3. I affirme not force in this utmost case to be assumed by *private men* against destructive instruments of the Princes will: as if any man were warranted on his own imagination of publike danger to raise forces for prevention. But the *Courts of Justice*, and especially *the supreme Court*, to whom the *conservation of Government and Law* is committed, and a Power not only to resist, but also censure and punish its violaters, much more its subverters without regard of *number* or *warrant*, (The Law supposing no warrant can be in such case) This is the power of Resistance which I have asserted: and if this be inducing of *civill warre*, or a *way to subversion* and *Rebellion*: It is a *warre* raised by *defenders of Law*, against *subverters of Law*: A *Rebellion* raised by *Magistrates*

giſtrates having Authority, againſt *inſtruments of arbitrarineſſe having no authority*: *A reſiſtance tending to ſubverſion*, but of none but *ſubverters*. 'Tis good reaſon then, it ſeemes, if deſtroyers grow to the number and ſtrength of an Army, for Magiſtrates to let them alone, and not raiſe armes to ſuppreſſe them, leſt they open a way to confuſion and bring on the miſeries of a civill Warre. This is the Doctors *preſervative* Doctrine, and my contrary is *deſtructive*. 4. I argued from the *end* of the inſtitution of the Houſes, and their intereſt in making Laws, and preſerving the frame. He ſayes *this is grounded on my falſe ſuppoſall of their being joyned with the King in the very ſoveraigne power*, p. 96. Anſwer, I have juſtified that ſuppoſall, and manifeſted his ſtrange boldneſſe in denying it againſt the *Kings*, and ſo many *Parliaments* direct affirmations; and deſire the reader to take notice, that this is *Calvins* argument for Reſiſtance, in the place above recited, how ever the Doctor doth make ſo light of it.

5. From the power of *inferiour Courts* to puniſh violaters of Law, though pretending a warrant of the Kings will for it. He ſayes *this Argument is inconſequent to prove power of rayſing Armies to oppoſe the Forces of their Soveraigne*. He haſtens to a concluſion, and weighs not much what he anſwers. I ſay it concludes *inevitably*: for if the Kings warrant to violate Law, will not priviledge *one* from force of juſtice, then not a *hundred*, not *an Army* of violaters. Their *multitude* makes the danger *greater*, and the Kingdome *more unhappy*; not Malefactors *more priviledged*. *The forces of the Soveraigne* in truth, are the *Forces raiſed to defend his Government*; not thoſe which are raiſed to ſubvert it. They are his, which have his *Authoritative Will*; not thoſe which have only his *arbitrary*. If ever Reaſons did demonſtrate a truth, I am confident theſe *five* have made good, *The power of the eſtates in Parliament to reſiſt ſubverſive inſtruments*, be they more or fewer.

Thus have I traced this Authour through his *Reply*; and whether I have not ſufficiently vindicated my *Treatiſe* from it, I referre my ſelfe to the conſcience of every one who hath the *underſtanding* of a *judicious* man; and the *impartiality* of a *juſt man*. In my cap. 8. *is a moderate debate* of the preſent contention; and divers *Petitions tending to pacification* if it had been poſſible: but he toucheth not on that chapt. His diſcourſe ſhewes him to have nothing to doe with *Moderation*; nor doth deſire *Peace*, but on the termes of a full dedition Sect. 3.

into the hands of subversive instruments. I have done with him: *He resolved*, I Answered. *He hath replyed.* I have returned on it. I am even with him; and in truth above him, I am sure. Now I desire to spin out this contention no longer. Yet if he, or any else please to rejoyne, I wish he would save himselfe, and me a labour: to let alone the booke; and deale only with the 4th, and 5th Chapters concerning the Doctors supposals; if he can make good them; and invalidate mine, as much as in me lieth, I will yeild him the cause: but I judge it impossible, if I know what is impossible. *The God of spirits allay the spirits of men from this extreme opposition: And give such a issue to these wofull warrs, that the scepter of Christ, the Gospell of Peace may be fully submitted to and maintained by a King enjoying inviolate his due soveraignty; and a People their due and lawfull liberties*, Amen.

PHIL. 4. 5.
Let your moderation be known unto all men: The Lord is at hand.

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